Monday
19th December, 1949

THE

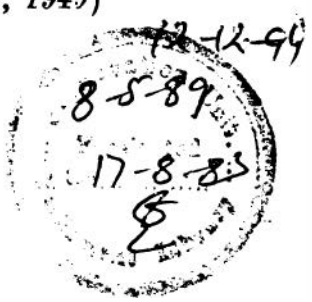
CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

OFFICIAL REPORT

VOLUME IV, 1949

(28th November to 24th December, 1949)



SIXTH SESSION

OF THE

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

1949

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

PART I—QUESTIONS AND ANSWERS

Monday, 19th December, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

Mr. Speaker: Before I call upon Honourable Members to put their questions, I have to inform them that, I am told that the Honourable Minister for Rehabilitation who was to be here in time for answering questions could not come, because his train has been delayed.

The Honourable Shri Jawaharlal Nehru: We can wait for about fifteen minutes. I understand that the train is on the point of arriving.

Shri Mahavir Tyagi: I understand the train has been detained at Moradabad. They are comig by motor car.

Mr. Speaker: This is the first time when an Honourable Minister could not be present to answer questions. Whatever the reason might be, we shall wait for some time. In any case, if the Honourable Minister does not turn up, we shall not take up the questions. The Chief Whip, the Honourable Minister of State, would have taken up those questions, but unfortunately the file came to him too late and the questions, if at all answered, will have to go without supplementaries. That will only mean unnecessarily taking up the time of the House. I hope such a thing will not recur again and steps will be taken to see that when an Honourable Minister leaves the station, he has also a second string to the bow by way of instructing some other person to answer the questions.

Now, question No. 700, Mr. Sidhva.

An Honourable Member: What about 698?

Mr. Speaker: It has been withdrawn.

PREFABRICATED ROOFINGS AND BUILDINGS

699. **Shri R. K. Sidhva: (a) Will the Honourable Minister of **Rehabilitation** be pleased to state whether any orders have been placed by the Government of India for the supply of prefabricated roofings from abroad?

* Answer to this question laid on the Table, the honourable Minister being absent.

(b) If so, with what firm have such orders been placed and at what price and when will the shipment be made?

(c) Will these roofings be used for pucca houses to be built or are they meant for some other purposes?

(d) For whom have these roofings been imported?

(e) Have any pre-fabricated buildings been imported from foreign countries?

The Honourable Shri Mohan Lal Saksena: (a) Yes.

(b) Orders have been placed with Messrs. Sveaexport, Stockholm, Sweden at Rs. 119/- per roof. The consignment has already been received.

(c) These roofs are intended to be placed on traditionally constructed houses.

(d) For displaced persons.

(e) We have accepted a donation of two prefabricated houses from Messrs. Sveaexport. Hardboard huts have also been imported from Sweden to replace tents in Camps for displaced persons and for similar emergencies.

TRADE WITH PERSIAN GULF

***700. Shri R. K. Sidhva:** (a) Will the Honourable Minister of **Commerce** be pleased to state what kind of trade—import and export—exists between India and the Persian Gulf (Bahrein, Kuwait, Busra and Baghdad)?

(b) Do Government propose to consider the advisability of appointing a trade agent for these places?

(c) Are there any possibilities of improvement in the trade with the countries of that region?

The Honourable Shri K. C. Neogy: (a) A statement is laid on the Table of the House showing the main commodities concerned in and the total value of imports from and exports to Bahrein, Kuwait and Iraq during the three years ending 1948-49 (*Information placed in the Library* See *No. P.* 45/49).

(b) There is already a Commercial Secretary attached to the Legation of India in Iraq, whose jurisdiction covers Iraq and the Arab Sheikhdoms on the Persian Gulf, including Bahrein and Kuwait.

(c) Government consider there is a scope for expansion of trade with these countries.

Shri R. K. Sidhva: May I know from the Honourable Minister whether in this connection a two-man mission was sent to Bahrein, in the Persian Gulf, and if so, with what result?

The Honourable Shri K. C. Neogy: Two-man mission? From the papers before me, I do not find any formal mission having been sent to Bahrein.

Shri R. K. Sidhva: May I know whether Dr. C. S. Jha of the External Affairs Ministry and Prof. Md. Ali Habib of the Aligarh University were sent to these places for trade purposes and is it a fact that Indian merchants of that area told them that trade relationship with that area should be increased considerably.

The Honourable Shri K. C. Neogy: The gentlemen that the Honourable Member has mentioned have nothing to do with the Commerce Ministry. They might have gone there on political missions and incidentally trade matters may have come up for consideration.

Shri R. K. Sidhva: What are the trade conditions between India and the Persian Gulf? How much are the imports from India to this area?

The Honourable Shri K. C. Neogy: I have laid on the Table of the House very elaborate statistics. Imports from India into all these places amounted to Rs. 4,20,12,000 in all in the year 1948-49.

Shri R. K. Sidhva: Has it increased or decreased as compared with last year?

Mr. Speaker: The Honourable Member may study the statement.

Shri S. V. Krishnamoorthy Rao: What are the active steps that the Government are taking to extend trade to these countries?

The Honourable Shri K. C. Neogy: Well, apart from the general measures that we always take in this matter, there is a talk going on with Iraq about a Trade Mission which is likely to come to India. Iraq has got a considerable trade with India and our hopes are in extending our trade with Iraq rather than with any other country in this group.

MONAZITE SAND

*701. **Shri R. K. Sidhva:** (a) Will the Honourable the **Prime Minister** be pleased to state whether it is a fact that the Government of India have entered into an agreement with a foreign firm for the processing of Monazite Sand in India?

(b) If so, what is the name of the firm and what are the terms of the agreement?

(c) In what part of the country is this sand available?

(d) Has it been surveyed by geologists from the commercial point of view, and if so, with what result?

(e) For the manufacture of what articles will this sand be useful?

(f) What is the total quantity available?

The Honourable Shri Jawaharlal Nehru: (a), (b) and (e). The Government of India have entered into an agreement with two French firms to set up a plant for the processing of monazite sands in India. A copy of a Press note dated 7th June, 1949, dealing with this subject is laid on the Table of the House (See *Appendix XVIII, annexure No.* 1). The names of the firms are the "Banque Marocaine de Credit" and the "Societe de Produits Chimiques des Terres Rares".

(c) Deposits of monazite sand occur at various places on the West Coast. There are also some isolated patches on the East Coast.

(d) and (f) A detailed survey is in progress. Surveys made thus far have revealed that large quantities of this sand with good possibilities from the commercial point of view are available.

Shri R. K. Sidhva: May I know from the Honourable the Prime Minister whether Indian scientists will be trained by this firm?

The Honourable Shri Jawaharlal Nehru: That is one of the conditions of the agreement.

Shri R. K. Sidhva: May I have the pleasure of knowing the conditions?

Mr. Speaker: He said that was one of the conditions.

MACHINERY FOR COTTAGE INDUSTRIES

†*702. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Rehabilitation be pleased to state whether a deputation has been sent to Japan for the purchase of machinery for cottage industries?

(b) If so, who are the members of the deputation?

(c) Will the machinery purchased be for handicrafts or industry worked by power?

(d) Has any amount been defined for the purchase of such machinery?

(e) What arrangement has been made to see that the machinery and tools for cottage industries proposed to be purchased would be suitable for use in India?

The Honourable Shri Mohan Lal Saksena: (a) Yes. It visited Japan in May—June, 1949.

(b) (i) Shri N. C. Shrivastava, I.C.S., Deputy Secretary to the Government of India, Ministry of Rehabilitation.

(ii) Shri Chaman Lal, Member, Cottage Industries Board, representing Ministry of Industry and Supply.

(c) The machinery is both hand and power driven.

(d) Rs. 72,000/- were spent on the purchase of machinery for the Ministry of Rehabilitation and Rs. 37,000/- for the Ministry of Industry and Supply.

Additional machinery for small scale industries for supplying to displaced persons will be obtained. Enquiries have been made from the State and Provincial Governments as to the requirements of displaced persons within their areas.

(e) Most of the machinery purchased by the Ministry of Rehabilitation will be operated at our Training Centre at Arab-ki-Sarai, New Delhi; and the machinery purchased by the Ministry of Industry and Supply will be installed at Hardwaganj (near Aligarh). Arrangements for the training of displaced persons from different States and Provinces have been made. The instructors and the Officers of Provincial Governments will also be given facilities for inspection and study of the working of these machines.

INDUSTRIAL PROGRESS (REPORT)

*703. **Shri R. K. Sidhva:** Will the Honourable the **Prime Minister** be pleased to state:

(a) whether any American Engineer has been invited by the Government of India to report on the industrial progress of this country;

(b) if so, the name of the engineer together with his emoluments and conditions;

(c) whether he has arrived in India and made any report; and

(d) if so, whether Government propose to lay a copy of the report on the Table of the House?

The Honourable Shri Jawaharlal Nehru: (a) Presumably, the Honourable Member has in mind the appointment of Dr. S. Trone, an American Engineer.

* Answer to this question laid on the Table, the honourable Minister being absent.

He was invited not to report on the industrial progress of this country, but to advise us generally about planning and development.

(b) Dr. Trone is entitled to the following emoluments:—

(i) a monthly remuneration of 2,000 U. S. dollars or the equivalent in rupees for the period of his stay with the Government of India.

(ii) Travelling expenses for himself and Mrs. Trone from U. S. A. to New Delhi and back.

(iii) Travelling expenses for himself and Mrs. Trone in connection with his duties.

(iv) Free accommodation in New Delhi.

(c) Dr. Trone assumed charge of his duties on 12th August, 1949. He has submitted four reports.

(d) No. The reports are treated as confidential and at present there is no intention of making them public.

Shri R. K. Sidhva: May I have some information on his investigation about the industrial progress in this country?

Mr. Speaker: The question is not clear. What is the specific question?

Shri R. K. Sidhva: May I know whether he is planning for India's industrial progress?

The Honourable Shri Jawaharlal Nehru: Dr. Trone was originally invited here for a brief period, for three months to begin with, to advise us. He has now been here about four months—I think a little more than four months—and he has given us a report, which we are considering, about the present state of industrial development, and what in his opinion should be done about it.

Shri R. K. Sidhva: The Honourable the Prime Minister said that this report was confidential. May I know whether this report will be made available to the House or whether it will be treated as confidential for us?

The Honourable Shri Jawaharlal Nehru: Documents, if they are confidential, are normally not made available to the House.

Shri R. K. Sidhva: What is the reason for treating this report on the industrial development of India confidential?

Mr. Speaker: That is entering into arguments.

Shri M. Tirumala Rao: With regard to (c), may I know what centres of industry Dr. Trone has visited and submitted reports on?

The Honourable Shri Jawaharlal Nehru: Dr. Trone has visited several parts of India. He has visited West Bengal area, Bihar area, the D. V. A., Jamshedpur, the fertiliser factory, etc.; South India, Bangalore, Bombay area, the Punjab, etc. So he has gone to various places where we have got big concerns running or where we intend to have them. His report is generally on these questions.

Shri H. V. Kamath: Has Dr. Trone's tenure of office been fixed or is it indefinite?

The Honourable Shri Jawaharlal Nehru: As a matter of fact, Dr. Trone was first in India for three months. The period of three months expired when I was away in the United States. Before I went I suggested that he might continue till he completed this particular work and that after that we might

consider as to what we should do for the future. As a matter of fact we intend, for the present, ending his tenure about the end of this month. Afterwards, when we have considered his report fully, we shall see what more can be done about it.

Shri Mahavir Tyagi: May I know whether previous to his engagement here Dr. Trone was an employee of the U. S. A. Government or had some other industrial experience?

The Honourable Shri Jawaharlal Nehru: Dr. Trone's experience is perhaps so unique that I hardly think anybody else can come up to it. He is an Electrical Engineer employed by the General Electric Company of the United States. He was sent by the General Electric Company to Russia before the Revolution for their work. He was in Russia for a number of years as an Electrical Engineer and later also throughout the Five Year Plan in which he was one of the important persons engaged by the Soviet Government. Altogether he spent eight or nine years in Russia, working there. Subsequently he had been to Germany and Italy in connection with large industrial schemes. He was then engaged by the Chinese Government and he has spent several years there in China. He has been to Japan, Manchuria, Formosa. That is to say, he has covered Asia and America pretty thoroughly and has seen considerable upheavals and changes. So his experience is really remarkable.

Shri H. V. Kamath: Is it a fact that over and above the 2,000 U. S. Dollars that Government is paying him, Government has offered to meet all the travelling and other expenses of both him and his wife, hotel bills included?

The Honourable Shri Jawaharlal Nehru: As I have stated, he was coming for a brief period and we engaged him on the terms that the Chinese Government were paying him at the time.

Shri S. V. Krishnamoorthy Rao: May I know if Dr. Trone's investigation covers the starting of new industries or the working and expansion of the existing industries?

The Honourable Shri Jawaharlal Nehru: The House will appreciate that in the course of three months no person, however able, can bring out a detailed plan for all India. He has advised us about the present situation, the faults and errors in it, what is important and might be given first priority and what second priority. He has not gone into details as to particular industries because his whole outlook, if I may say so, is concentration on the primary things.

IMPORT (FILMS)

***704. Dr. Mono Mohon Das:** Will the Honourable Minister of Commerce be pleased to state:

(a) the quantity of films imported into India during the year 1948-49 for the cinema industry;

(b) the total amount realised by Government as import duty on the said films in 1948-49; and

(c) the names of countries from which films are imported into India?

The Honourable Shri K. C. Neogy: (a) 15,64,16,403 feet of raw cinematograph films and 1,23,91,060 feet of exposed films were imported into India by sea from abroad during 1948-49.

(b) The total amount of import duty collected on cinematograph films, not exposed, and cinematograph films, exposed, durmg the same period was Rs. 24,63,186 and Rs. 20,00,458, respectively.

(c) The United Kingdom, Canada, Sweden, Belgium, Italy and the United States of America were the principal countries from which raw films were imported, while in the case of exposed films, the main supplying countries were the United Kingdom, Ceylon, Burma and the United States of America. Imports of Raw films are however now being licensed only from Soft Currency areas, mainly from U. K. and Eastern Germany.

Dr. Mono Mohon Das: May I know what percentage of the total imports was consumed by the different Departments of the Government, namely Information and Broadcasting, Survey of India, and the Provincial Governments?

The Honourable Shri K. C. Neogy: I am afraid I have not got the information with me. My honourable colleague the Minister for Information and Broadcasting might be in a better position to give the information.

Dr. Mono Mohon Das: May I know whether these Government Departments import directly their own requirements or do they buy them from the local market?

The Honourable Shri K. C. Neogy: I am afraid I have not got the information.

Dr. Mono Mohon Das: What has been the total import in the current year up to this time?

The Honourable Shri K. C. Neogy: I have not got the figures for the current year.

Shri Deshbandhu Gupta: May I know the total cost of imports for 1948-49?

The Honourable Shri K. C. Neogy: The cost was: For Raw Films Rs. 76,96,416 and for Exposed Films Rs. 31,52,042.

Shri Deshbandhu Gupta: Have any steps been taken or are any steps being taken to manufacture raw films in India?

The Honourable Shri K. C. Neogy: I am afraid that again is a matter which is not my direct concern.

Shri Kishorimohan Tripathi: May I know the total value of the imports from U. S. A.?

The Honourable Shri K. C. Neogy: The figures have not been given separately according to the countries of origin.

Shri Mahavir Tyagi: Is the import of Exposed Films restricted by any conditions imposed by Government or is free import allowed?

The Honourable Shri K. C. Neogy: It is not a question of free import. We have a ceiling. The ceiling is fixed for every six monthly period—I am talking of the present and the future policy. Subject to that ceiling the dealers—mainly the representatives of foreign manufacturing concerns—apply for licence for the import. Generally that is the position.

Shrimati Renuka Ray: Would the Honourable Minister please tell us what is the total amount we have had to pay in hard currency for these imports?

The Honourable Shri K. C. Neogy: That classification is not here with me at the moment. I have given the total figures.

Dr. P. S. Deshmukh: Is there any duty levied on the Exposed Films that are imported?

The Honourable Shri K. C. Neogy: I take it my friend means import duty. The duty is as follows: Exposed Films bear a duty of four annas per linear foot and films not exposed bear a duty of three pies per linear foot.

COTTAGE INDUSTRY

*706. **Dr. Mono Mohon Das:** (a) Will the Honourable Minister of **Industry and Supply** be pleased to state the total expenditure incurred by Government for the propagation of Cottage Industry in the country during the years 1948-49 and 1949-50 to date?

(b) What is the monthly profit from the Cottage Industries Emporium at New Delhi after meeting the expenses per month?

The Honourable Dr. Syama Prasad Mookerjee: (a) Attention of the Honourable Member is invited to the reply to Starred Question No. 212 by Prof. N. G. Ranga on first December, 1949.

(b) There is no profit at present.

Dr. Mono Mohon Das: If there is no profit may I know whether there is any loss and whether Government has to pay any subsidy to the Emporium for running the show?

The Honourable Dr. Syama Prasad Mookerjee: Government is now spending about Rs. 3,000 per month to keep the Emporium going.

Dr. Mono Mohon Das: What is the monthly sale in the Emporium and what is the expenditure for running it?

The Honourable Dr. Syama Prasad Mookerjee: The average monthly sale will be about Rs. 8,000. As I said the expenditure per month is about Rs. 3,000.

Shri Brajeshwar Prasad: Is the amount of expenditure incurred on the propaganda commensurate with the development of cottage industries?

The Honourable Dr. Syama Prasad Mookerjee: The propaganda has undoubtedly stimulated it though it has not achieved all that we wanted. But attempts are being made to consolidate the efforts.

Dr. V. Subramaniam: Was any non-official Committee sent to Japan to study the cottage industries there?

The Honourable Dr. Syama Prasad Mookerjee: No committee was sent but one official and one non-official were sent, and they have submitted a report.

Shri R. K. Sidhva: Is it a fact that the Emporium is intended mostly for popularising the Indian cottage industries?

The Honourable Dr. Syama Prasad Mookerjee: That is right and for helping exports.

Shri H. V. Kamath: With a view to making it profitable to the State, have Government instructed their Ambassadors, Diplomats and Ministers abroad to furnish their residences and offices with our cottage industry products as far as possible?

The Honourable Dr. Syama Prasad Mookerjee: That is being done as far as possible.

Shri B. P. Jhunjhunwala: Do Government give any subsidy to any cottage industry, and if so, how much and to which industry?

The Honourable Dr. Syama Prasad Mookerjee: We have not granted subsidies in cash, but the biggest cottage industry in the country is the handloom industry and there, as I explained a few days ago, Government has decided that out of the total purchases of cloth which Government directly makes of Rs. 3 crores a year one crore will be kept in reserve for purchase from the handloom industry, if goods are available.

Shri Raj Bahadur: May I know what steps Government have taken for the development of cottage industries during the years in question?

The Honourable Dr. Syama Prasad Mookerjee: That will require a long answer. If the Honourable Member so desires, I can place a full statement before the House indicating all the steps we have taken.

Babu Ramnarayan Singh: Are any special steps taken for the progress of *khadi*?

The Honourable Dr. Syama Prasad Mookerjee: We have said that we will be prepared to purchase *khadi* wherever possible. Of course, so far as special protection is concerned, that question has not been taken up though a Bill is now under examination for the purpose of seeing that genuine *khadi* alone is sold.

TIMBER INDUSTRY

*706. **Dr. Mono Mohon Das:** (a) Will the Honourable Minister of **Industry and Supply** be pleased to state whether Dr. Kamesam has submitted his report on timber?

(b) Have Government agreed to establish a timber treatment factory in Northern India with his help?

The Honourable Dr. Syama Prasad Mookerjee: (a) Yes, Sir.

(b) The matter is under consideration.

Dr. Mono Mohon Das: What are the points on which Dr. Kamesam was asked to enquire and submit a report?

The Honourable Dr. Syama Prasad Mookerjee: The report mainly deals with the possibility of using treated timber in place of steel.

Dr. Mono Mohon Das: What is the annual income of the Government of India from the timber industry?

The Honourable Dr. Syama Prasad Mookerjee: I cannot say.

Dr. Mono Mohon Das: May I know whether any other foreign technicians have been invited to look into the matter?

The Honourable Dr. Syama Prasad Mookerjee: No, Sir, we have not invited foreign experts.

Shri C. Subramaniam: Is there any timber treatment factory in existence now, and if so at what place?

The Honourable Dr. Syama Prasad Mookerjee: There is one at Bangalore which mainly deals with one particular type of treatment, but we have

advised the Provincial Governments to set up factories in their own areas and we will also give every possible encouragement to private enterprise in this respect.

Dr. P. S. Deshmukh: May I know what portion of this work is done by the Ministry of Agriculture?

The Honourable Dr. Syama Prasad Mookerjee: I suppose they ensure that adequate quantity of proper timber is available.

Dr. B. Pattabhi Sitaramayya: May I know whether the treatment of timber by Ascu as invented by Dr. Kamesam is all in the hands of the American contractors?

The Honourable Dr. Syama Prasad Mookerjee: So far as use in India is concerned, I believe it is controlled by Dr. Kamesam's invention.

EXODUS OF HINDUS FROM PAKISTAN

†*707. **Seth Govind Das:** Will the Honourable Minister of **Rehabilitation** be pleased to state whether Government are aware that further exodus of Hindus has been going on from East as well as West Pakistan and what plans, if any, have been made to meet the contingency and to provide facilities for the uprooted people?

The Honourable Shri Mohan Lal Saksena: Yes. Provincial and State Governments have been requested to formulate schemes for their rehabilitation.

INDIANS IN CEYLON

†*708. **Seth Govind Das:** Will the Honourable the **Prime Minister** be pleased to state whether Government are aware that the Indians living in Ceylon have been adversely affected by the Ceylon Nationality Bill, and if so, what steps have been taken to redress their grievances?

The Honourable Shri Jawaharlal Nehru: As already stated by me in reply to Question No. 206 asked by the Honourable Member on the 8th February, 1949, the Government of India have not agreed to several of the provisions contained in the Ceylon Government's two enactments namely, (1) Ceylon Citizenship Act No. 18 of 1948 and (2) Indian and Pakistani Residents (Citizenship) Act No. 3 of 1949 under which Indians in Ceylon may obtain Ceylon Citizenship. The Ceylon Indian Congress, a representative body of Indians in Ceylon, has since decided not to apply for or accept citizenship under these conditions. The Government of India have not taken any action in the matter after the correspondence between the two Governments, which has been published. The Indian and Pakistani Residents (Citizenship) Act was brought into force on the 5th August, 1949 and Indians in Ceylon will have two years' time from that date to get themselves registered as Ceylon Citizens. The Government of India are watching the developments and will take such action as they consider necessary at the appropriate time.

INDUSTRIAL CONCERNS

†*709. **Seth Govind Das:** (a) Will the Honourable Minister of **Industry and Supply** be pleased to state how many new factories for sugar, paper, textiles and steel have closed down in the year 1948-49?

† Answer to this question laid on the Table, the questioner being absent.

(b) How many new factories for producing the articles referred to in part (a) above have been opened in the year 1948-49?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (b). I place on the Table of the House a statement giving the information.

STATEMENT

Number of industrial units opened and closed during 1948-49.

Name of Industry.	Number of units closed.	Number of units opened.	Remarks.
Sugar.	Four	Five (of which three are new)	
Paper.	*Nil*	*Nil*	
Textiles.			
(i) Cotton Mills.	*Nil*	*Seven	*Total spindlage being 73,200.
Silk and artificial silk mills.	*Nil*	6	
(iii) Woollen mill.	*Nil*	1	
Steel.	*Nil*	*Nil*	

*710. [WITHDRAWN.]

HINDUS IN WEST PUNJAB

†*711. **Sardar Hukam Singh:** Will the Honourable Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that India's Deputy High Commissioner in Lahore made a representation to the West Punjab Government against the forcible evacuation of Hindus from West Punjab;

(b) if the reply to part (a) above be in the affirmative, what was the result of that representation;

(c) the number of cases in which the West Punjab authorities have made it impossible for non-Muslims to stay there even when they had never left their homes; and

(d) whether Government are considering any steps in the matter?

The Honourable Shri Mohan Lal Saksena: (a) and (b). Yes, the Deputy High Commissioner made two representations to the West Punjab Government in respect of 12 families in all. In both cases the families were continuously living in West Punjab since the partition.

Instructions have since been issued against forcible evacuation of non-Muslims.

† Answer to this question laid on the Table, the honourable Minister being absent.

(c) The number of cases which came to the notice of the Deputy High Commissioner, Lahore, are two, as under:—

(i) Nine families consisting of 67 persons in all, who had been living in West Punjab continuously since partition were forcibly brought to Lahore and were subsequently evacuated to India.

(ii) Three families consisting of twelve persons were forcibly recovered and brought to Lahore, although they were living with adult male members related to them.

(d) Does not arise.

EVACUATION OF NON-MUSLIMS FROM KARACHI

†*712. **Sardar Hukam Singh:** Will the Honourable Minister of Rehabilitation be pleased to state:

(a) whether the rate of evacuation of non-Muslims from Karachi had increased during September—October, 1949;

(b) if so, what is this due to and what was the number of non-Muslims who left Karachi during May, June, July, August, September and October, 1949; and

(c) whether the residential houses, business houses, industrial concerns and cinema houses belonging to non-Muslims have been taken possession of by the Custodian even when the owners had constantly been living in Karachi?

The Honourable Shri Mohan Lal Saksena: (a) Yes.

(b) The increased exodus from Sind by way of Karachi is due to a number of causes such as disturbed conditions in certain towns in Sind, the enforcement of Evacuee Property and Rehabilitation Ordinances, the high-handedness of Officers, the hostile attitude of local people and the inability of non-Muslims to secure redress at the hands of Pakistan Government. A statement showing the number of non-Muslims evacuated with the help of the Indian High Commissioner at Karachi during the months May to October, 1949 is placed on the Table of the House.

(c) Yes, a number of such cases have been brought to our notice.

STATEMENT

May 1949.	505
June 1949.	596
July 1949.	895
August 1949.	582
September 1949.	3,146
October 1949.	2,909

NAUTICAL TRAINING AND ENGINEERING

*713. **Shri Satis Chandra Samanta:** (a) Will the Honourable Minister of Commerce be pleased to state how many nautical training and engineering colleges there are in the Indian Union?

† Answer to this question laid on the Table, the honourable Minister being absent.

(b) Where are they located?

(c) How many students can they train every year?

(d) How many students have come out successful from these colleges during the last four years?

The Honourable Shri K. C. Neogy: (a) and (b). I would invite Honourable Member's attention to the answer I gave to Question No. 574 put by my Honourable friend Mr. R. K. Sidhva on the 14th December last. As I stated, there is the Training Ship *Dufferin* in Bombay for imparting pre-sea navigational training and a post-sea Nautical and Engineering College also at Bombay. The Directorate of Marine Engineering Training, Bombay, which has a branch at Calcutta, is in charge of the Pre-sea training of Engineers and when those apprenticed for this purpose with workshops, etc., at Bombay and Calcutta have completed their workshop training it is proposed to impart to them theoretical pre-sea instruction at a Marine Engineering College that is proposed to be started in Calcutta. These are the facilities that now exist. They have come into force from the 1st October, 1948.

The Honourable Member is probably aware that previously there was only the Training Ship *Dufferin* to train up candidates for both the Navigational and Engineering side and there was no facility in India for any post-sea training at all.

(c) The *Dufferin* can now take 80 candidates for Navigational training per year. The Marine Engineering College will also be designed to accommodate about 80 candidates per year.

The Nautical and Engineering College, Bombay can accommodate about 100 candidates at a time and in a year four such batches could be trained.

(d) The *Dufferin* which alone existed for previous years turned out 20, 23, 25, 26 Nauticals and 20, 24, 24, 26 Engineers during 1945, 1946, 1947, 1948 respectively.

Shri Satis Chandra Samanta: Have all successful students been absorbed?

The Honourable Shri K. C. Neogy: Not all of them have been absorbed in a sea career but those who have not been thus absorbed have in many cases found very suitable occupation elsewhere.

Shri Satis Chandra Samanta: Have any of those successful candidates been sent abroad for further experience?

The Honourable Shri K. C. Neogy: Yes, I think so. Of course I was meaning the *Dufferin* candidates—I think my honourable friend also had that in mind.

Shri Satis Chandra Samanta: Yes.

Shri M. Tirumala Rao: Have Government examined the feasibility of opening a marine engineering college at Vizagapatam?

Mr. Speaker: Order, order. It is a suggestion for action.

Shri R. K. Sidhva: May I know whether the British India Steam Navigation Company take Indians who passed out from this training course?

The Honourable Shri K. C. Neogy: I said just three days ago that I would be making enquiries.

Prof. N. G. Ranga: What the expenditure incurred on these two training centres?

The Honourable Shri K. C. Neogy: I am afraid I have not got the figure here.

Sardar Bhopinder Singh Man: May I enquire whether the nautical training includes submarine training, and if so, has India any submarines?

The Honourable Shri K. C. Neogy: I must make it quite clear that the training, to which I have referred, has nothing to do with naval training properly so-called. This training is intended for the purpose of finding officers for the Merchant Navy.

Prof. Shibban Lal Saksena: In view of our expanding Merchant Navy, are these men sufficient for manning our ships?

The Honourable Shri K. C. Neogy: For the time being, yes.

Prof. Shibban Lal Saksena: But are there proposals to expand the facilities?

The Honourable Shri K. C. Neogy: Oh, yes.

Shri Raj Bahadur: May I know the number of candidates who applied for training and the number who were finally selected for training during the years in question?

The Honourable Shri K. C. Neogy: Training where? There are so many schemes to which I have referred.

Shri Raj Bahadur: In the *Dufferin*.

The Honourable Shri K. C. Neogy: I must ask notice for that.

INDIGENOUS COTTON

*714. **Pandit Mukut Bihari Lal Bhargava:** Will the Honourable Minister of **Industry and Supply** be pleased to state:

(a) the total quantity and value of each variety of indigenous cotton consumed by the mills in India during the year 1948-49; and

(b) the measures which the Government of India have so far taken or intend to take in future to make India self-sufficient in cotton of each variety and the date by which it is expected to reach this objective?

The Honourable Dr. Syama Prasad Mookerjee: (a) Statement is placed on the Table of the House (See *Appendix XVIII, annexure No.* 2.)

(b) The Ministry of Agriculture have formulated schemes to increase the production of cotton in India next year. Following measures have been taken to increase production of cotton:—

(i) Diversion of 13·75 lakh acres to additional areas of cotton which will give us 3·04 lakh bales.

(ii) Manuring of 13·75 lakh acres with 91,000 tons of sulphate of ammonia which will give us 1·06 lakh bales.

(iii) Mixed cropping of cotton with groundnut for 13·35 lakh acres, which will give us 0·77 lakh bales.

(iv) Improved seed on one million acres which will give us 0·10 lakh bales.

Total—4·97 lakh bales.

This work will be supervised in collaboration with the Indian Central Cotton Committee.

Efforts are being made to import at least eight lakh bales of cotton. Necessary restrictions have also been placed on the export of cotton.

Pandit Mukut Bihari Lal Bhargava: May I know whether this will be short staple cotton or long staple cotton?

The Honourable Dr. Syama Prasad Mookerjee: It will be both. We will try to improve the existing varieties.

Pandit Mukut Bihari Lal Bhargava: Cannot those mills which require only long staple be switched on to use short staple cotton?

The Honourable Dr. Syama Prasad Mookerjee: It is technically.

Shri H. V. Pataskar: Is Government aware that production of cotton in the Khandesh tract of Bombay province has gone down ever since it was made compulsory to grow Jarilla cotton only in that area?

The Honourable Dr. Syama Prasad Mookerjee: I believe that is so. That was discussed at the last Conference in Bombay.

Shri H. V. Pataskar: If so, is it intended by Government to repeal Jarilla Act, as it will give us several lakhs of bales more?

The Honourable Dr. Syama Prasad Mookerjee: I am prepared to ask the Agriculture Ministry to consider that.

Dr. P. S. Deshmukh: Which province is this additional acreage to come from?

The Honourable Dr. Syama Prasad Mookerjee: C.P. is there, I can assure the Honourable Member. Then, Bombay, East Punjab, Patiala, Madras, Hyderabad, Madhya Bharat, Rajasthan and Saurashtra, etc.

Shri L. Krishnaswami Bharathi: Is it a fact that over eleven mills in Ahmedabad have recently given notice of closing down owing to shortage of cotton?

The Honourable Dr. Syama Prasad Mookerjee: I believe about seven mills have closed down.

Shri L. Krishnaswami Bharathi: What immediate steps do Government propose to take to meet this acute shortage of cotton?

The Honourable Dr. Syama Prasad Mookerjee: We will try to supply cotton as far as possible.

Shri R. K. Sidhva: May I know whether the Law Minister of Bombay has made a statement three days ago that the situation in Bombay mills is very acute for want of cotton?

Mr. Speaker: Order, order.

Sardar Hukam Singh: May I know whether the area intended to be diverted for cotton cultivation is already under other crops at present and if so, what are those crops?

The Honourable Dr. Syama Prasad Mookerjee: We do not propose to divert any large area under food crops for this purpose, but it might affect some other crop.

Ch. Ranbir Singh: What incentive has been given to the producer by Government to produce more cotton?

The Honourable Dr. Syama Prasad Mookerjee: Reasonable prices.

TIBETAN TRADES MISSION

*715. **Shri Ari Bahadur Gurung:** Will the Honourable Minister of **Commerce** be pleased to state the result of the Tibetan Trades Mission which arrived in India at the beginning of the year 1949?

The Honourable Shri K. C. Neogy: The attention of the Honourable Member is invited to part (d) of starred question No. 414 by Pandit Mukut Bihari Lal Bhargava in the Constituent Assembly of India (Legislative) on the 16th February, 1949 in reply to which a statement was laid on the Table of the House summarising *inter alia* the result of the trade talks which we had with the Tibetan Trade Mission. No developments have taken place since that answer was given.

Shri Ari Bahadur Gurung: Is it a fact that the Government of India have appointed a Tibetan Trade Liaison Officer at Kalimpong?

The Honourable Shri K. C. Neogy: Yes, there is one.

Shri Ari Bahadur Gurung: What are his functions?

The Honourable Shri K. C. Neogy: So far as I am aware, his functions are to look after the interests of India in regard to trade and other matters.

Prof. N. G. Ranga: Have our exports to Tibet increased ever since?

The Honourable Shri K. C. Neogy: I do not know about that.

Dr. P. S. Deshmukh: Are any developments expected to ensue in the near future?

The Honourable Shri K. C. Neogy: Developments in what direction?

Dr. P. S. Deshmukh: In the direction which has been indicated in the answer.

Mr. Speaker: Order, order. The Honourable Member may refer to the answer first. Next Question.

SERICULTURE

*716. **Shri Ari Bahadur Gurung:** Will the Honourable Minister of **Industry and Supply** be pleased to state:

(a) the acreage of land on which experiment on Sericulture is being done in Kalimpong (West Bengal); and

(b) the quality of silk produced there?

The Honourable Dr. Syama Prasad Mookerjee: (a) About six acres.

(b) No experimental raw silk has yet been reeled at Kalimpong. The quality of cocoons produced at Kalimpong is, however, of high grade. Laboratory yield of Raw silk from the cocoons produced there has given a high Reeling Index.

Shri Ari Bahadur Gurung: Is it a fact that a portion of the land is under banana cultivation; if so, may I know if it has anything to do with sericulture?

The Honourable Dr. Syama Prasad Mookerjee: I do not know the connection between banana and silk.

SPINDLES AND LOOMS

†*717. **Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of **Industry and Supply** be pleased to state what are the number of spindles and looms imported into the country during 1948-50?

†Answer to this question laid on the Table, the questioner being absent.

(b) How have they been distributed?

(c) Has any preference been given to any party or any out-of-turn allotment made to any province?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (b). A statement giving information regarding spindles is placed on the Table of the House. No figures of imports of looms are available, as a large number of looms were imported under the Open General License. It is, however, estimated that the imports could not have been less than in the last year's imports, *viz.*, 10,000 looms.

(c) No.

STATEMENT

Spindles imported from 1st January 1949 to 30th November 1949 and their distribution.

SPINDLES IMPORTED.—From U.K. 2,49,716, From Japan 2,24,290, From U.S.A. 37,000. (Total 5,11,006)

DISTRIBUTION.—Bombay 2,68,002, Bengal 39,316, Madras 1,23,960, Hyderabad 16,252, Madhyabharat 808, Delhi 3,200, Mysore 17,000, U.P. 22,928, Bihar 5,000, Orissa 14,540. (Total 5,11,006)

REPARATIONS FROM GERMANY

†*718. **Shri V. C. Kesava Rao:** Will the Honourable Minister of **Industry and Supply** be pleased to state how the machinery received up to date from Germany by way of reparations has been distributed among the various Provinces and States of India?

The Honourable Dr. Syama Prasad Mookerjee: The procedure followed is that details of such plant and machinery are circulated to various Government and semi-Government institutions. Lots of about 1,500 to 2,000 machines are displayed from time to time at the Reparations Depots to enable prospective indentors to inspect the machines and place their indents. Releases are made on the basis of indents received.

A statement showing releases of reparation plant and machinery so far made to Government Departments/Provincial Governments etc., is placed on the Table.

* Answer to this question laid on the Table, the questioner being absent.

STATEMENT

	Number of machines
Ministry of Defence.	650
Ministry of Education.	109
Ministry of Railways.	515
Ministry of Rehabilitation.	63
Director of Housing, New Delhi.	11
Fertilizer Project, Sindri.	3
Central Waterways, Irrigation and Navigation Commission.	33
Government of Bombay.	18
Government of East Punjab.	108
Government of Madras.	105
Government of Orissa.	19
Government of the United Provinces.	15
Cochin Harbour.	1
Indian Telephone Industries, Bangalore.	268
National Physical Laboratory.	35
National Chemical Laboratory.	27
Central Glass and Ceramic Research Institute.	3
Total	1,977

Number of machines, mostly high precision machine tools, earmarked for the Government Machine Tool Factory to be erected at Bangalore .... 325.

SKILLED LABOUR

†*719. **Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Labour be pleased to state what progress has been made in the training of skilled workers required for the various industries in India?

(b) What are the categories of trade in which training is given and what is the target figure fixed for such training?

(c) How is the selection of personnel made?

The Honourable Shri Jagjivan Ram: (a) After the termination of the War, the Government of India in the Ministry of Labour (D.G.R. and E.) instituted Schemes for the technical and vocational training of demobilised Services personnel with a view to facilitating their resettlement in civil life and securing an adequate supply of skilled personnel for post-war industrial development. These Schemes were subsequently extended to displaced persons from Pakistan. There were 71 Technical and 67 Vocational Training Centres functioning under the Schemes on the 31st October, 1949. In addition, Apprenticeship training facilities were provided in 276 industrial undertakings. 23,189 trainees have passed out of the Centres up to this date and another 13,842 are still under training.

(b) There are 38 trades under the Technical Training Scheme and 47 under the Vocational Training Scheme in which training is being given. A list of the trades is placed on the Table (See *Appendix XVIII, annexure No. 3.*)

Owing to economy measures, expenditure has been curtailed to the extent of Rs. 37 lakhs which will result in the reduction of seats from 20,259 to 10,000, from next year. Under the new Scheme, civilian adults will be admitted for training.

(c) The selection of candidates is made by a Selection Committee in each Province.

† Answer to this question laid on the Table, the questioner being absent.

SALT

*720. **Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable Minister of **Industry and Supply** be pleased to state: (i) the total quantity of salt produced in India annually; (ii) the total quantity of salt required every year for normal consumption in India; (iii) the total quantity of salt imported from outside; and (iv) the names of the countries from where it is imported and the total cost thereof?

(b) What is the average *per capita* consumption of salt in India and how does this compare with the average *per capita* consumption in foreign countries like the United Kingdom and the United States of America?

(c) What steps do the Government of India intend to take to make salt cheaper and more abundant in supply?

(d) Have the Government of India prepared any plan for making India self-sufficient in production of salt and if so, by which year is self-sufficiency likely to be attained and in what manner and stages?

(e) Is it the policy of the Government of India to encourage the free manufacture of salt for private use as also for the development of cottage industry?

(f) If so, what steps have been taken so far or do Government intend to take in future to give impetus to the free manufacture of salt in the country?

The Honourable Dr. Syama Prasad Mookerjee: (a) (i) The average annual production for the last three years is 543 lakh maunds (479 lakh maunds in 1946, 516 lakh maunds in 1947 and 635 lakh maunds in 1948); estimated production in 1949 is about 600 lakh maunds. (ii) 648 lakh maunds according to present estimate. (iii) Imports during 1947 and 1948 were 120 lakh maunds each and during 1949 (up to November) 86 lakh maunds. (iv) Aden, Portsaid, Italy and Pakistan. Total cost in 1949 is about Rs. 276 lakhs.

(b) Average *per capita* human consumption in India is 14·5 lbs. per annum as against 9·7 lbs. in U.S.A. The *per capita* human consumption in United Kingdom is not readily available. If the consumption for cattle and industry is included, the *per capita* consumption in India is 17·9 lbs. per annum as against 99 lbs. in United Kingdom and 205·7 lbs. in U.S.A.

(c) and (d). India is likely to be self-sufficient by the end of 1951. Our present plans for increased production include (i) laying out of new pans, cleaning of the brine percolation canals, condensers and crystallisers in Government factories, (ii) expansion of existing factories in the West Coast, and (iii) increasing the yield of private factories.

(e) and (f). We allow free production of salt for local consumption up to ten acres and issue licences for salt works with larger areas. Licences are freely granted with special preference to Co-operative Societies, if any, provided site is found suitable for production of salt at economic cost and if there are reasonable transport facilities.

Dr. P. S. Deshmukh: Is the Honourable Minister aware that the scarcity of salt has increased owing to scarcity of sugar?

Mr. Speaker: Order, order.

Shri Brajeshwar Prasad: Has any salt been imported from Pakistan after the devaluation of the rupee.

The Honourable Dr. Syama Prasad Mookerjee: No salt has come from Pakistan.

Shri R. K. Sidhva: May I know whether the production in the Sambar Lake is on the increase or decrease?

The Honourable Dr. Syama Prasad Mookerjee: On the increase.

Sardar Bhopinder Singh Man: In view of the fact that India is not self-sufficient in salt, may I know the reasons why salt is being exported out of India to other countries?

The Honourable Dr. Syama Prasad Mookerjee: We export to Pakistan and that is salt which we import. We get the advantage of that quantity passing through our port in Calcutta.

Shri Raj Bahadur: May I know whether any steps are being taken by Government to make India self-sufficient in salt and if so, what are they?

The Honourable Dr. Syama Prasad Mookerjee: I have just said in the reply.

Prof. Shibban Lal Saksena: Do Government propose to increase our production above 600 lakh maunds or do they want to keep it stable?

The Honourable Dr. Syama Prasad Mookerjee: If we could reach that figure by 1951, then we can certainly further increase in later years.

Sardar Bhopinder Singh Man: Is it a fact that we export salt to Nepal?

The Honourable Dr. Syama Prasad Mookerjee: Yes, we do export.

Shri R. L. Malviya: Is there any rock salt available anywhere else in India other than Pakistan,—say East Punjab?

The Honourable Dr. Syama Prasad Mookerjee: It may be available in Himachal Pradesh. It is now under investigation.

Shri L. Krishnaswami Bharathi: May I know if salt is being allowed to be moved freely or are there restrictions?

The Honourable Dr. Syama Prasad Mookerjee: There are restrictions. We have prepared a zonal scheme for distribution in consultation with the Railway Ministry.

CAR FOR EXTERNAL AFFAIRS MINISTRY

*721. **Shri Mahavir Tyagi:** (a) Will the Honourable the **Prime Minister** be pleased to state if a 12 Cylinder Cadillac Car was recently purchased by the Ministry of External Affairs?

(b) If so, at what price was it purchased and for what purpose?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) No. The Ministry has a Cadillac Car purchased in August, 1947.

(b) The price of the car was Rs. 19,000. It was purchased for the ceremonial purposes of the Ministry.

Shri Mahavir Tyagi: How many times has the car been used for any ceremonial purposes? My information is.....

Mr. Speaker: Order, order. He need not disclose what his information is. The purpose of a question is to elicit information from Government and not to give information to Government.

Shri Mahavir Tyagi: No, Sir, I am not giving any information. My information is that it is not being used.....

Mr. Speaker: Order, order.

Shri Mahavir Tyagi: I want to know whether it is being used.

Mr. Speaker: Let him put that question.

Shri Mahavir Tyagi: I want to know whether it is being used for the purpose for which it had been purchased. Therefore, I said my information was that it was not being used.

The Honourable Shri Jawaharlal Nehru: If the Honourable Member thinks that I keep a record of every journey of the car, then he is very much mistaken.

Shri H. V. Kamath: In pursuance of the economy drive recently launched by Government, have instructions or directives been issued to all Ministries and our Embassies abroad not to go in for luxury cars?

The Honourable Shri Jawaharlal Nehru: General instructions have been issued to economise, but no special instructions have been issued about automobiles or cars. As a matter of fact, so far as I am aware, no recent purchases have been made. They are all old purchases.

Sardar Bhopinder Singh Man: It was said that this car was primarily meant for ceremonial functions. May I know whether these are well-recognised ceremonies or private ceremonies?

The Honourable Shri Jawaharlal Nehru: I do not know what the Honourable Member means by private ceremonies. Private ceremonies have nothing to do with the Ministry's functions; they are the private affairs of private individuals.

Labour Welfare Fund

*722. **Shri R. L. Malviya:** (a) Will the Honourable Minister of Labour be pleased to state the amount collected by the Government as cess towards the Labour Welfare Fund in the Provinces of Bengal, Bihar, the Central Provinces and Berar and Orissa during the years, 1945-1946, 1947-1948 and 1949 separately and the amount actually spent on labour welfare activities in each province?

(b) Is it a fact that the amount collected towards the fund in one province has been spent in another and if so, how much has been so spent and which are the provinces concerned?

The Honourable Shri Jagjivan Ram: (a) A statement is placed on the Table of the House (See *Appendix XVIII, annexure No. 4*). It is presumed that the question relates to the Coal Mines Labour Welfare Fund.

(b) No.

Shri R. L. Malviya: Are there any provinces in which this amount has not been spent at all?

The Honourable Shri Jagjivan Ram: Well, there is no province like that. But I may inform the House that very little has been spent in Orissa.

LABOUR WELFARE FUND OF KOREA STATE IN C. P.

*723. **Shri R. L. Malviya:** (a) Will the Honourable Minister of **Labour** be pleased to refer to the answer given to my starred question No. 554 asked on 21st February, 1949 and state whether the administration of the Labour Welfare Fund of Korea State (merged with the Central Provinces) has been taken over by the Central Government from the Government of the Central Provinces and Berar?

(b) If so, what is the amount so taken over and what is the scheme of Government to administer the same?

(c) Do Government propose to appoint an Advisory Committee to advise them regarding the administration and expenditure of this fund?

(d) If the answer to part (a) above be in the negative, why has delay been caused in taking over the fund and when do Government expect to take it over?

The Honourable Shri Jagjivan Ram: (a) The Coal Mines Welfare Commissioner was to have taken over charge of the administration of the Coal Mines Labour Welfare Fund of Korea State on the 6th December, 1949 but intimation has been received that the Deputy Commissioner, Surguja could not hand over charge of cash balance pending verification of receipt of cess by the Railways.

(b) Information in regard to the first part of the question is still awaited from the Coal Mines Welfare Commissioner who has also been asked to prepare a scheme for the administration of the Fund in Korea. Till such a scheme is prepared and approved the welfare measures that are in existence in that area will continue.

(c) The local Committee already in existence in Korea will continue to function in an advisory capacity, but the whole question may be reviewed when the Coal Mines Welfare Commissioner's report is received.

(d) The Government of the Central Provinces and Berar agreed to hand over charge of the Fund only in October, 1949. The Coal Mines welfare Commissioner, as already stated, was to have taken charge by the 6th December, 1949.

Shri R. L. Malviya: May I know, Sir, what is the amount that remains with the C.P. Government after charge was taken.

The Honourable Shri Jagjivan Ram: We have not received that information from the Commissioner yet.

CESS TOWARDS LABOUR WELFARE FUND FROM C. P. AND BERAR

*724. **Shri R. L. Malviya:** Will the Honourable Minister of **Labour** be pleased to state:

(a) the total amount collected so far as cess towards the Labour Welfare Fund from the collieries in the Central Provinces and Berar, the amount actually spent and the welfare activities on which the amount has been spent; and

(b) the future programme of Government for the expenditure of the amount?

The Honourable Shri Jagjivan Ram: (a) The total amount collected upto the 31st March, 1949 as cess for the Coal Mines Labour Welfare Fund from the collieries in the Central Provinces and Berar is approximately Rs. 17 lakhs. The amount actually spent up to the same date is about Rs. 5½ lakhs. These figures do not include Korea field, the administration of which has not yet been taken by the Coal Mines Welfare Commissioner. The welfare activities on which the amount was spent, were those relating to anti-malaria operations, provision for

ambulance vans, 'X'-Ray unit and mobile cinemas and acquisition of land for the construction of a Regional Hospital, etc.

(b) The future programme of Government includes the following new welfare measures: (i) Construction of a township at Datla consisting of 500 houses. (ii) Construction of a Regional Hospital and Maternity and Child Welfare Centre at Datla. (iii) Provision of adequate water supplies for the Pench Valley coal-fields and the Datla township. (iv) Opening of Women's Welfare Centres. (v) Opening of Adult Education Centres.

Displaced Persons in Assam

†*725. **Shri Lakshminarayan Sahu**: (a) Will the Honourable Minister of **Rehabilitation** be pleased to state whether Government are aware that there have been deaths amongst the displaced persons in Sikhar and Lumding in Assam due to starvation and malnutrition and that there is a large number of half-famished people in these areas?

(b) Is it a fact that the Ramkrishna Mission offered to start relief work in some of the areas if they were given necessary financial assistance?

(c) Has this offer been accepted by the Government of India?

The Honourable Shri Mohan Lal Saksena: (a) There have been no deaths due to the reasons mentioned. Report of one death at Lumding due to starvation was received but the same has not been confirmed by Assam Government.

(b) Yes.

(c) It is for the Assam Government to approve the scheme which has been forwarded to them. In the meantime a sum of Rupees five thousand has been remitted to the Ramkrishna Mission for relief work at Lumding.

International Covenant on Human Rights

*726. **Shri H. V. Kamath:** Will the Honourable the **Prime Minister** be pleased to state the reasons why India's delegate to the Human Rights Commission stated at a meeting of that body in June, 1949 that India could not be a signatory to the proposed international covenant on human rights?

The Honourable Shri Jawaharlal Nehru: It is not correct that India's delegate stated that India could not be a signatory to the proposed Covenant.

Shri H. V. Kamath: Has the attention of Government been drawn to an editorial article in the *Hindustan Times* of the 20th June, 1949 in which it was mentioned that India's delegate to the Human Rights Commission was reported to have stated at a meeting of that body that her country could not be a signatory to the International Covenant on Human Rights, if it embodied either the Soviet or the Australian provision guaranteeing right to work to everyone?

The Honourable Shri Jawaharlal Nehru: No, Sir, it has not been drawn.

Shri M. R. Masani: Is it not true, on the contrary, that our representative on the Human Rights Commission has throughout taken a leading and positive part in the evolution of the Covenant?

The Honourable Shri Jawaharlal Nehru: Yes, Sir. May I point out that what our representative said there was this? First of all, she, as an Honourable Member just now said, took a very important and leading part in this business.

† Answer to this question laid on the Table, the honourable Minister being absent.

She pointed out that our including in the declaration a large number of very desirable things on which we are completely agreed, but which for financial or other reasons we could not possibly enforce, would give an air of unreality to it. Therefore what she suggested was that there should be two parts: one, which we could enforce immediately and the other, with which we agreed and hope to enforce as soon as we were in a position to do so.

Shri H. V. Kamath: To which specific provisions of the proposed International Covenant on Human Rights did the delegate say India could not agree at present?

The Honourable Shri Jawaharlal Nehru: There is no question of her not agreeing. For instance—I am speaking from memory—suppose we agree to the provision that everybody has the right to work, as a matter of fact, it is exceedingly difficult for us, circumstanced as we are, to provide work for everybody in the country.

Shrimati G. Durgabai: May I know, Sir, whether it is not a fact that the Covenant referred to in the question of the Honourable Member is one which involves a right which is of a justiciable nature and therefore could not be given effect to by our Government for financial reasons?

Mr. Speaker: That is an argument.

NON-MUSLIM PATIENTS IN LAHORE MENTAL HOSPITAL

†*727. **Dr. Bakhshi Tek Chand:** Will the Honourable Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that there were about 800 Hindu and Sikh indoor patients in the mental hospital at Lahore on the 15th August, 1947;

(b) whether all of them have been evacuated to India, and if so, when;

(c) whether it is a fact that an Inter-Dominion dispute had been going on for the payment of charges for the maintenance of these patients; and

(d) whether it is a fact that about half the number of these patients have died in the Lahore hospital?

The Honourable Shri Mohan Lal Saksena: (a) According to the information supplied by the Pakistan Government, the number of non-Muslim patients in mental hospitals in West Pakistan in September, 1949 was 513.

(b) No. Only 32 cured mental patients were evacuated from the mental hospitals at Lahore in February, 1949. They are not included in the figure given under (a).

(c) There has been some discussion about these charges. Recently the Pakistan Minister of Refugees wrote to me that he was issuing necessary instructions for the exchange of these patients.

(d) No. So far as Government are aware only one patient is reported to have died on the 26th January, 1949.

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* Answer to this question laid on the Table, the honourable Minister being absent.

THE ABDUCTED WOMEN'S RECOVERY

*728. **Dr. Bakhshi Tek Chand:** Will the Honourable the **Prime Minister** be pleased to state:

(a) the total expenditure on the Abducted Women's Recovery Agency incurred (i) in the financial year 1948-49 and (ii) from 1st April to 30th September, 1949; and

(b) the Budget estimates of anticipated expenditure during the second half of the current financial year?

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Transport and Railways): (a) The total expenditure on the reoovery of abducted women (i) in the financial year 1948-49 is not available; (ii) from 1st April to 30th September, 1949 is Rs. 4,54,000.

(b) The Budget estimate of expected expenditure during the second half of the current financial year is Rs. 3,46,000.

Shrimati G. Durgabai: May I know, Sir, whether it is a fact that many social lady workers are working honorarily and thereby contributing to the reduction of expenditure on this work?

The Honourable Shri N. Gopalaswami Ayyangar: There are a number of social workers who are working honorarily.

Sardar Bhopinder Singh Man: May I know, Sir, whether any abducted women recovery agency operates in Kashmir to recover Hindu girls from Muslim abductors now in the Indian Union?

The Honourable Shri N. Gopalaswami Ayyangar: There is an organisation in that part of the country which is under our control engaged in recovery work of some sort.

Sardar Bhopinder Singh Man: Is the Honourable Minister satisfied with the work of that organisation?

The Honourable Shri N. Gopalaswami Ayyangar: Well, fairly satisfactory, in the circumstances.

Shri Upendranath Barman: May we know the number of recoveries effected by that organisation?

The Honourable Shri N. Gopalaswami Ayyangar: I have given full information to the House in connection with the debate on the Bill which is still before it.

IMPORT LICENSES FOR NEWS-PRINT

*729. **Shri B. N. Munavalli:** (a) Will the Honourable Minister of **Commerce** be pleased to state the number of import licences for news-print issued so far during the year 1949?

(b) What is the value of news-print so far imported during the year 1949 under the said licences?

(c) Do Government intend to follow the same policy in issuing import licences for news-print during the year 1950?

(d) Is it now proposed to grant any concessions to small-consumers who had made firm commitments, backed by Letters of Credit opened before O.G.L. was cancelled on 15th September?

The Honourable Shri K. C. Neogy: (a) Our licensing policy in regard to imports is framed every six months, in regard to imports of newsprint in the two periods, *viz.*, January-June, and July-December, 1949 it was as follows:

(i) During the January-June, 1949 period, imports of news-print from the soft currency countries were covered by Open General Licence No. XI and XV, and no licences were required for its import. Licences were granted for import from the dollar areas subject to monetary ceilings, the number of licences issued being 44 valued at Rs. 50 lakhs. No licences were granted for import of news-print from any other hard currency countries.

(ii) During the July-December, 1949 period, *i.e.*, the current period, no licences are being granted for import of news-print from the dollar and hard currency countries. In regard to the soft currency countries, Open General Licence No. XV, which allowed imports without licences, was cancelled on 25th August, 1949. Since that date, licences are being granted for import from soft currency countries subject to essentiality and monetary ceilings and also under Open General Licence XV concession licences. 114 licences have so far been issued valued at Rs. 1,13 lakhs, in addition to the licences valued at Rs. 14·69 lakhs, issued under the Open General Licence concessions.

(b) The total value of newsprint imported during the period January to October, 1949 amounted to Rs. 2·97 crores. More up to date figures are not yet available. This represents imports made under Open General Licence and also imports made against licences granted during the July-December, 1948 period. Imports against licences granted during the July-December, 1949 period would not have been substantial as the licences were granted only recently.

(c) The licensing policy for the January-June, 1950 has not yet been finally settled. Imports will however be permitted from soft currency areas only.

(d) Open General Licence No. XV, to which the Honourable Member is referring was cancelled on 25th August, 1949 though shipments under this licence were allowed until the 15th September. Small consumers who had made firm commitments covered by Letters of Credit before the 25th August, 1949, are being granted licences to the full extent of the amount of the Letters of Credit.

Shri Deshbandhu Gupta: With regard to the reply to part (b), what were the total imports for the corresponding period in the previous year, 1947-48?

The Honourable Shri K. C. Neogy: I am afraid I have not got the figures here.

Shri Deshbandhu Gupta: Does this amount exceed that amount?

The Honourable Shri K. C. Neogy: I am not in a position to say that.

Shri Deshbandhu Gupta: Does not the Ministry keep an eye on that?

The Honourable Shri K. C. Neogy: Yes, we do. As I have already stated, the period was mostly covered by the Open General Licence and it was not possible till the period was over and the licensing system was abandoned in favour of a restricted policy to know exactly how much actually came in under the O.G.L.

Shri Suresh Chandra Majumdar: Arising from the Honourable Minister's reply that licenses for import of newsprint for the period July to December, 1949 were issued only recently, and in view of the fact that in the meantime prices have gone up by at least £5 per ton for which reasons newspapers have not so far been able to book their orders. I want to know whether it is the intention of the Government to extend the period of these licences that have already been issued, up to 1950?

The Honourable Shri K. C. Neogy: That is the intention. I may also add that a meeting of the *ad hoc* Advisory Committee, that is attached to the Commerce Ministry for the purpose of advising us in regard to the newspaper import policy, is being called and it will be held on the 23rd December to consider this and other connected questions.

Shri Deshbandhu Gupta: May I know whether it is being realised that the delay in issuing the licences has adversely affected the news papers and newsprint importers and that prices have been rising during the period?

The Honourable Shri K. C. Neogy: The delay was inevitable because of very many factors including devaluation. I have also this information that many of the news papers carry very large stocks.

Shri Deshbandhu Gupta: May I know what is the policy in regard to the stocks? Have the Government formulated any policy with regard to the stocks?

The Honourable Shri K. C. Neogy: As a matter of fact, we are prepared to allow stocks to the extent of four months consumption, for the purposes of ascertaining the quantities for which licence may be granted to an applicant.

OUTPUT OF WOOLLEN MILLS

*730. **Lala Raj Kanwar:** Will the Honourable Minister of **Industry** and **Supply** be pleased to refer to the statement laid on the Table of the House in answer to parts (a) and (b) of my Starred Question No. 847 asked on the 3rd March, 1949, and state whether the annual output figures shown in the statement require any modification now?

The Honourable Dr. Syama Prasad Mookerjee: Yes; in respect of Cawnpore Woollen Mills, Kanpur and Sri Dinesh Mills, Baroda. A revised statement giving the correct figures of annual output of these Woollen Mills is placed on the Table of the House.

STATEMENT

Name of Mill	Location	Year when established	Paid up capital	Annual output
1	2	3	4	5
Cawnpore Woollen Mills, Kanpur.	U. P.	1876	Branch of British India Corporation (Separate figures for the Woollen Mills not available).	3,900,000 lbs.
Sri Dinesh Mills Ltd., Baroda.	Baroda State	1922	Rs. 20,00,000	1,000,000 lbs.

Lala Raj Kanwar: May I know what is the total number of woollen mills at present operating in the country, what was the number ten years ago, and what would be the number five years hence?

Mr. Speaker: Order, order. I do not think that question can be asked. Has he any other question?

Lala Raj Kanwar: What is the number of woollen mills operating in the country?

The Honourable Dr. Syama Prasad Mookerjee: Seventeen.

Lala Raj Kanwar: What was the number ten years ago? If the Government are satisfied that the present number of woollen mills is insufficient to meet the requirements of the country, what steps do the Government propose to take?

Mr. Speaker: Order, order. That would be problematical. Next question.

CLOTH IMPORTED FROM JAPAN

†*731. **Shri Balwant Sinha Mehta:** (a) Will the Honourable Minister of **Industry and Supply** be pleased to state whether it is a fact that 6,00,00,000 yards of cloth imported from Japan by the Government of India have been lying unsold for a long time?

(b) If so, what are the causes therefor?

(c) Is it more costly or less durable compared to other imported cloth?

(d) Was it purchased directly by Government or through some agency?

The Honourable Dr. Syama Prasad Mookerjee: (a) Eighty million yards of cloth were purchased from Japan of which 23·57 million yards were imported into India. The balance was left there to be sold *ex*-Tokyo. Almost all the Bombay stocks and 21·6 million yards of Japan stocks were sold by November, 1948. Negotiations have since been completed for the sale of the remaining stocks of this cloth.

(b) Does not arise.

(c) It was decided in April, 1947 to import this cloth in view of scaroity then prevailing. The prices for the various varieties were little higher than the corresponding varieties of the Indian manufacture.

(d) The cloth was purchased by the Indian Supply Mission on behalf of the Government of India, from the United States Commercial Company, Washington.

TEMPLES AND GURDWARAS IN PAKISTAN

†*732. **Shri Balwant Sinha Mehta:** (a) Will the Honourable Minister of **Rehabilitation** be pleased to state the number of Hindu and Jain Temples and Sikh Gurdawaras in Pakistan?

(b) Where are they located?

(c) What is the value of movable and immovable properties attached to them?

The Honourable Shri Mohan Lal Saksena: (a) to (c). Government of India have no authentic record of the exact number of Hindu and Jain Temples and Sikh Gurdwaras in Pakistan, their location and the value of their movable and immovable properties.

MUSLIM REFUGEES IN JULLUNDUR CAMP

†*733. **Giani Gurmukh Singh Musafir:** Will the Honourable Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that the Government of Pakistan have declined to receive Muslim refugees of Jullundur camp; and

(b) if so, what are the alternative arrangements contemplated by Government in this respect?

The Honourable Shri Mohan Lal Saksena: (a) For some months past the Deputy High Commissioner for Pakistan in India at Jullundur had been refusing facilities for evacuation to Muslims who came to the Jullundur transit camp with a view to proceeding to Pakistan.

† Answer to this question laid on the Table, the questioner being absent.

† Answer to this question laid on the Table, the honourable Minister being absent.

(b) According to the latest information, a little over 2,000 of the original 4,000 inmates of the camp have since been evacuated to Pakistan. About 800 have been sent away to their homes in India. There are about 1,100 persons now in the camp, who are likely to be evacuated to Pakistan. The question of the Government of India making alternative arrangements does not arise.

VIZAGAPATAM SHIP-BUILDING YARD

*734. **Prof. N. G. Ranga:** (a) Will the Honourable Minister of **Industry and Supply** be pleased to state what is the capacity of the Vizagapatam Ship-building Yard to construct ships?

(b) How many berths (Dry docks) are there in the yard for the simultaneous construction of several ships?

(c) How much capital has so far been invested in this industry and what help have Government given to the industry?

(d) How many ships have so far been launched and what is their total tonnage?

(e) What is the estimated tonnage that India needs?

The Honourable Dr. Syama Prasad Mookerjee: With your permission, Sir, I will answer this and the next question together.

(a) and (b). The lay-out of the factory provides for eight slipways of which three have been completed. In two of these three slipways, ships of 16,000 tons can be built, while the capacity of the third is 14,000 tons. In other words, three ships can be constructed simultaneously.

(c) About Rs. 4 crores. Government have given all possible assistance in the procurement of capital goods and raw materials.

(d) Four ships with a total tonnage of 24,000 tons.

(e) No detailed estimate has been made, but it seems clear that India will need more than one modern ship-building yard.

FUTURE OF VIZAGAPATAM SHIP-BUILDING YARD

*735. **Prof. N. G. Ranga:** (a) Will the Honourable Minister of **Industry and Supply** be pleased to state whether it is a fact that with the completion of the present programme in action, there would be no more work for the workers in the docks in Vizagapatam Ship-building Yard?

(b) How many workers would then be unemployed?

(c) Have the workers and the Company made any representation in this regard?

(d) What steps do Government propose to take in order to maintain production and assure employment to workers?

(e) Is it a fact that Government are considering the possibility of transferring the ship-building work now being done at Vizagapatam to other centres and abandoning ship-building in Vizagapatam?

The Honourable Dr. Syama Prasad Mookerjee: (a) to (d). A decision whether Government should acquire the Vizagapatam Shipyard or not is difficult to take

until Government have a clearer picture of the resources available for such a purpose. Meanwhile in order to prevent the Yard from closing down, Government are thinking of providing work sufficient to enable the continued employment of a majority of the workers. But even then some measure of retrenchment will, I am afraid, be unavoidable. A final decision on this matter is expected to be reached before the end of this month.

(e) No, Sir.

Prof. N. G. Ranga: Is it a fact that the workers' organisation has made representations stating that certain economies could be made in the over-head expenses and also in the making of the constructions, if any of their suggestions were accepted?

The Honourable Dr. Syama Prasad Mookerjee: They have given us a number of representations where all sorts of suggestions have been made. It is very difficult to express any opinion thereon.

Prof. N. G. Ranga: Is it not a fact that there was a conference between the workers' representatives and the company's representatives in the presence of an officer sent by the Government of India recently? What were the results of that conference?

The Honourable Dr. Syama Prasad Mookerjee: No representative of the Government was present at the conference. That was a discussion between the company and the workers.

Prof. N. G. Ranga: Have the results of this discussion been sent to the Government and have the Government had an opportunity of examining those results?.

The Honourable Dr. Syama Prasad Mookerjee: As I said, we expect to arrive at a final decision within the next few days.

Prof. N. G. Ranga: Is it not a fact, that this question whether the Government should take over this shipyard or not, has been pending with the Government for more than a year?

The Honourable Dr. Syama Prasad Mookerjee: Yes; the matter has been pending for some time.

Mr. Speaker: The question Hour is over.

Shri R. K. Sidhva: May I know, Sir, what will happen to the Starred questions if the Honourable Minister has failed to arrive during the Question Hour?

Mr. Speaker: The questions will go in as unstarred.

(*b*) WRITTEN ANSWER

DISPLACED PERSONS FROM EAST BENGAL

*736. **Lala Achint Ram:** (a) Will the Honourable Minister of Rehabilitation be pleased to state whether there are any displaced persons who have come from East Bengal and want to go back there?

(b) How many of them have actually gone back and re-settled?

(c) Have Government received reports of any difficulties which stand in the way of their re-settlement there?

(d) If there are any difficulties, what steps are Government taking to have them removed?

(e) What is the response of the Pakistan Government in this matter?

The Honourable Shri Mohan Lal Saksena: (a) Yes.

(b) Government have not so far had any figures in this connection.

(c) Yes.

(d) and (e). The question of restoring conditions which will induce these people to go back to East Pakistan has been discussed at more than one Inter-Dominion Conference and machinery, such as fortnightly meetings of the Chief Secretaries of the two Provinces have been devised.

UNSTARRED QUESTIONS AND ANSWERS

Two-Nation Theory

25. Shri Lakshminarayan Sahu: Will the Honourable the **Prime Minister** be pleased to state if he said in London on 12th November, 1949 that India did not accept the two-nation theory, otherwise there were thirty five million Muslims in India who could be held to be aliens?

The Honourable Shri Jawaharlal Nehru: Yes.

Plots for Displaced Persons

26. Shri Damodar Swarup Seth: Will the Honourable Minister of **Rehabilitation** be pleased to state:

(a) the total number of plots and the area of each class of plot set apart by the Government for allotment to displaced persons in the Shadipurkham Refugee Rehabilitation Scheme, Delhi;

(b) the number of cases in respect of each class of plot out of those referred to in part (a) above, where allotments have been recommended by the Allotment Committee; and

(c) the number of cases out of those referred to in part (b) above, where allotments have since been made and the number of cases awaiting allotment and the reasons for the delay, if any?

The Honourable Shri Mohan Lal Saksena:

(a)	Area.	Number.
(i)	Plots for houses. .. 30′×60′	1220
(ii)	Bungalow plots. .. 60′×120′	64

So far 1,284 plots have been allotted. The plots are of two sizes 30′×60′ and 60′×120′.

(b) (i) 2,699.

(ii) Bungalow plots are allotted by inviting tenders from displaced persons.

(c) (i) 830 plots have been allotted.

(ii) About 20 bungalow plots have been allotted by sale.

In the original scheme about 3,000 plots for houses were expected to be made available. Later on a substantial portion of this area which was under the Ministries of Agriculture and Defence could not be transferred; and as such only 1,726 plots are expected to be available. Out of these, houses have been constructed by this Ministry on 106 plots. Another 400 plots have been earmarked for construction of tenements. The remaining are in the course of allotment. There has been no delay in allotment of plots though actual possession thereof may, in some cases, have had to await completion of development, etc.

GARDEN TOOLS

87. { **Shri Lakshminarayan Sahu:**
Shri Damoder Swarup Seth:
Will the Honourable Minister of **Industry and Supply** be pleased to state:

(a) whether it is a fact that garden tools are scarce in the country at present; and

(b) if so, whether Government propose to make provision for the manufacture of garden tools in this country and relax the control on the import of the articles.

The Honourable Dr. Syama Prasad Mookerjee: (a) No.

(b) Does not arise.

SHORT NOTICE QUESTIONS AND ANSWERS

CEREMONY TO MARK THE COMMENCEMENT OF NEW CONSTITUTION

Shri H. V. Kamath: Will the Honourable the **Prime Minister** be pleased to state:

(a) whether any ceremony will be held in the very near future to mark the commencement of the New Constitution and the inauguration of the Indian Republic;

(b) if so, on what date; and

(c) whether the details of the ceremony have been finalised?

The Honourable Shri Jawaharlal Nehru: I would have hoped that the Honourable Member was aware that a certain date has been fixed by our Constitution for the inauguration of the Republic, and that is, January 26th.

(a) to (c). It is proposed to have certain formal ceremonies on the 26th and 27th January, 1950 on the occasion of the inauguration of the Republic of India. These two days will be observed as holidays. Certain details about these ceremonies are given in a statement which has been placed on the Table of the House.

Programme for the 26th and 27th January, 1950

On the morning of the 26th January, 1950, at about 9-30 or 10 A.M. the President will take the Oath of Office in the Durbar Hall of the Government House. A salute of 31 guns will be fired and the Presidential flag unfurled over the Government House. The President will then administer the Oath to the Members of the Cabinet. Heads of Missions of Foreign countries resident in Delhi and Members of the Conatituent Assembly and other important members of the public will be invited to thia ceremony.

In the afternoon the President will drive in State, escorted by his Bodyguard, from the Government House to the Irwin Stadium where he will hoist the national flag and take the salute at a march past of selected detachments of the Armed Forces representing all arms. Cabinet Ministers, members of the diplomatic corps, representatives of organisations of Labour, peasantry, Harijans etc. will be invited to take part in this function.

At night the President will give a State Banquet at the Government House.

On the 27th January, the President will give a Reception to which as many members of the general public as possible will be invited.

January 26th and 27th will be declared public holidays.

A committee of the representatives of Home, Defence and External Affairs Ministries and of the Government House is being asked to work out further details of the ceremonies under the general direction of the Cabinet.

It is expected that the Governments of Provinces, States Unions etc. will make similar arrangements. So far as the collaboration of the military authorities in the various places is concerned the Ministry of Defence will issue appropriate instructions.

It is the Government's intention that the ceremony should be marked by dignity and solemnity but should be as simple as possible keeping in view the need for economy.

Shri H. V. Kamath: Who will proclaim the republic of India? Will it be the Constituent Assembly or the Government?

Mr. Speaker: It is no use going into those details.

Shri H. V. Kamath: Has a Committee been constituted to go into the details of the ceremony?

The Honourable Shri Jawaharlal Nehru: Yes, Sir, a committee has been formed.

Shri H. V. Kamath: Who are the members of the Committee?

The Honourable Shri Jawaharlal Nehru: It is an official Committee which, I take it, consults others too.

Shri H. V. Kamath: Who are the members?

The Honourable Shri Jawaharlal Nehru: I don't know their names.

Shri H. V. Kamath: Have Government decided as to whether a ceremony should or should not be held in the Red Fort and at the Samadhi of Mahatma Gandhi on that day?

Mr. Speaker: Order, order.

Shri S. Nagappa: May I know whether Government has received any representation from the South stating that the date fixed, *viz.*, 26th January, is an inauspicious date?

Shri H. V. Kamath: Have hundreds of letters been received by the Prime Minister and the President of the Constituent Assembly suggesting that as the 26th January happens to be an inauspicious date, the previous day or the night of the 26th might be fixed for the ceremony.

The Honourable Shri Jawaharlal Nehru: The Government does not consult the stars in drawing up its programmes.

Mr. Speaker: We will proceed to the next question.

STOPPAGE OF PAYMENT OF SALARIES TO JUDGES AND MAGISTRATES IN CHANDERNAGORE

Shri H. V. Kamath: Will the Honourable the **Prime Minister** be pleased to state:

(a) whether it is a fact that the French Government at Pondicherry has suddenly stopped payment of salaries to Judges and magistrates in Chandernagore;

(b) whether it is also a fact that the machinery of Law, Order and Justice is consequently on the verge of breakdown in Chandernagore; and

(c) if so, whether Government have taken up, or propose to take up, the matter with the French Government?

The Honourable Shri Jawaharlal Nehru: (a) Government understand that after the withdrawal of South Indian officers serving in Judicial Departments the Pondicherry authorities have, without any previous reference to the Administrative Council stopped the payment of Judges and Magistrate's salaries. They have also, it is said, stopped all payments out of the fund at the credit of the Chandernagore administration held in Pondicherry.

(b) It has come to the notice of Government that in this situation the Administrative Council of Chandernagore is finding it most difficult to run the administration.

(c) The matter has been taken up with the French Embassy in India.

Shri H. V. Kamath: Has the Prime Minister received telegrams and letters from the President, Council D'Administration in Chandernagore asking for Government intervention in this matter?

The Honourable Shri Jawaharlal Nehru: I have recollection that some message did come.

Shri H. V. Kamath: Is it a fact that the date for the referendum with regard to other French Settlements in India has not yet been fixed?

Mr. Speaker: Does not arise.

INDIAN DELEGATION AT INAUGURATION OF INDONESIAN REPUBLIC

Mr. Hossain Imam: Will the Honourable the Prime Minister kindly state whether any delegation is being sent to Indonesia on the occasion of their Independence Day, i.e., the 27th December?

The Honourable Shri Jawaharlal Nehru: Yes, Sir, Government are deputing the Health Minister Rajkumari Amrit Kaur, to represent the Government of India at the inauguration of the Republic of the United States of Indonesia.

Monday, 19th December, 1949

THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

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of the
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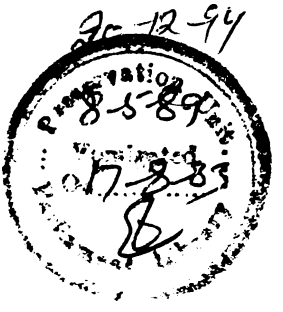
1949



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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Monday, 19th December, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-50 A.M.

ALLOTMENT OF TIME FOR SUGAR DEBATE

Shri H. V. Kamath (C.P. and Berar: General): Before we proceed to the business of the day, may I remind the Leader of the House of the promise that he made earlier in this session on behalf of Government to allot a day during this session for a debate on the Sugar question. I would be very grateful if he would kindly tell the House when that day will be allotted and what date it will be.

The Honourable Shri Jawaharlal Nehru (Prime Minister): I am well aware of that promise and Government will keep that promise. I might inform the House that I have requested a number of Ministers from Provincial Governments to come here to-day to confer with us on that subject.

HINDU CODE—*contd.*

Mr. Speaker: The motion that the House was considering was:

"That the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee, be taken into consideration."

The Honourable Shri Jawaharlal Nehru (Prime Minister): Sir, I crave your leave and the indulgence of the House to make a statement in regard to the Hindu Code Bill and I trust that the Statement I make will meet with the approval of the House.

When at the commencement of this Session I referred in the course of my remarks to the Hindu Code Bill, I said that Government attached a great deal of importance to this measure and they hoped that this consideration stage would be passed during this session. At the same time Government were very well aware that there was a variety of opinion on this subject and a large number of people were interested in the provisions of this Bill, and, therefore, I had suggested then that we propose to follow a course which we hoped would lead to a broadbased agreement in regard to a number of controversial clauses in the Bill. I should like now to amplify that statement and to make clear the policy of Government in regard to this matter. We have had fairly prolonged debate on this Bill not only in this session but in previous sessions. We had set

[Shri Jawaharlal Nehru]

aside two days on this occasion and as the House knows, those days have been prolonged on two occasions. Government had no desire and have no desire to restrict debate on an important measure of this kind and in spite of the fact that we have been very hard-pressed for time—and we have very important legislative measures awaiting disposal during this session—we extended the debate on two occasions and indeed to-day was also fixed for it.

While we have no such desire to restrict this debate, naturally Government is hard put to it to find more and more time, still we are prepared to find more time because of the importance of the measure and the desire of some Members of the House. But there was another aspect to this question and that was this; that if we are going to consider this matter in a spirit of trying to find an agreement as far as possible, in regard to controversial clauses, if, as I said we are going to proceed on the lines I indicated right at the commencement, then, is it desirable for us at this stage, to carry on this debate and perhaps produce an atmosphere, or help in producing an atmosphere, which does not lead easily to that kind of settlement? That was an important consideration which Government had in mind. Right at the commencement, as I have reminded the House, we had that in view. It was no intention of the Government to proceed with this merely by virtue of a majority and compel acceptance of every clause of this Bill although there might be considerable variety of opinion in regard to it. The position of Government, so far as this Bill is concerned is this. We stand committed to the broad approach of the Bill as a whole. We are prepared, however, to consider every clause in a spirit of accommodation. Naturally, Government have put forward this measure as it is because they believe in it. But in such matters they desire to have as large a measure of support as possible. Now there is a distinction between that and this general consideration at this stage which is going on, and which they feel has been debated quite considerably, and a large number of Members of the House have participated in this debate. They attach importance to the conclusion of that stage of the debate so that they may take up the next stage of consideration, that informal consideration as soon as possible. Now that informal consideration cannot effectively take place in that way, until this first stage is ended. Otherwise we remain in mid-air, and we cannot get on to that next stage. So our proposal now is, and I venture to place it before the House, that we conclude this debate, on this consideration motion as early as possible. I would not mind Government giving more time, even at the expense of other legislative measures; but I would submit to the House that if the general proposal to have this informal discussion is agreeable to the House, then it is desirable to go to that stage and not to vitiate the atmosphere by acrimonious debate any more at this stage.

When I talk about informal consultations, I should like to make clear what I mean. I say 'informal' not that I do not consider it important, but because I wish to give a measure of flexibility to that discussion so that my hon. colleague the Law Minister who has shouldered the burden of this Bill, and who I trust will gladly accept and give effect to the proposals that I have made, so that he can consult not only the Members of the Select Committee, but other Members of this House who are interested, and may even consult others outside this House. Now, that would be difficult if a certain rigid procedure was adopted, and also when you adopt a formal and rigid procedure, it becomes a little more difficult for that attitude of free and easy discussion and give and take which might prevail more easily if the procedure were more flexible and informal. Therefore, I make this proposal to the House, and I do submit that in this matter, having considered all the discussions and debate that we have gone through, this is a reasonable proposal which should meet with the approval of all sections of the House because it is an attempt, a real attempt on the part of the Government to carry some thing through this House

and through the country with the largest measure of support. That does not mean that in any matter over which we may disagree violently, we give up our opinions or surrender to anyone else's judgment. No one expects any Member of this House to do that if he believes in something. But it is the essence of democratic procedure for us to debate and consider and try to convince each other and try to meet each other's points, but sometimes giving up something so as to arrive at a decision which can be enforced with the largest measure of consent. That is the procedure, I would submit to the House, that we should follow in this important measure also.

12 Noon.

I do not wish the House to think in the slightest degree that we consider that this Hindu Code Bill is not of importance, because we do attach the greatest importance to it, as I said, not because of any particular clause or anything, but because of the basic approach to this vast problem in this country which is intimately allied to other problems, economic and social. We have achieved political freedom in this country, political independence. That is a stage in the journey, and there are other stages, economic, social and others, and if society is to advance, there must be this integrated advance on all fronts. One advance on one front and being kept back on other fronts means functioning imperfectly, and also means that the first advance also is in danger. Therefore, we have to consider this matter in this spirit, how we should advance on all fronts, always keeping in view, of course, that the advance is co-ordinated and meets with the approval of the great majority of the population. I say this because, after all, we function as a democratic assembly answerable to the people of India, and we must carry them with us. Keeping that in view it is not good enough for us and for this House merely to be led. We have to lead and we have to give the lead, and in giving that lead we have to carry others with us, and we propose to give the lead in this and in other matters, but always carrying others with us.

This, therefore, is the procedure that I have detailed, that is to say, that we may put an end to the present stage of consideration of this motion by adopting it, and then the House may permit Government to take those informal steps which I have indicated in regard to consultation about the various parts and clauses. That might be undertaken so that when the matter comes up again, as I hope, at the next session, it may have the support of a very great majority in this House and outside.

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): Sir, I move:

"That the question be now put."

Mr. Nazirudd in Ahmad (West Bengal: Muslim): May I ask for a clarification?

Mr. Speaker: I do not think we need take any more time now, specially in view of the very frank statement made by the hon. the Leader of the House just now. I may remind hon. Members that this stage of the motion has been debated for full nine days, and today is the tenth day. Thirty-three speakers have taken part in it and we have devoted thirty hours and twenty-eight minutes. I think the time devoted is sufficient and.....

An Honourable Member: May I know...

Mr. Speaker: I am not bound to give any reasons when I accept a closure, but I think I should also explain what I feel about it. I am convinced from the statement just now made by the hon. the Prime Minister that everybody inside the House and outside the House is going to have a full chance of having a say with respect to the various provisions of the Bill. The present stage is the stage of general consideration and we are not discussing any particular clause or any particular item. It is possible that people may differ about details and yet so far as the generality of the Bill is concerned, there might be

[Mr. Speaker]

a great measure of agreement. If we were to continue our discussion at this stage, I am afraid our discussion is bound to be very vague, general and rambling; perhaps it will consist of repetitions also. The more important stage, therefore, is the clause by clause consideration of the Bill and before that stage comes, hon. Members will have every opportunity of considering all questions and discussing them with the Government and also other people outside the House. Therefore, I think that proceeding with the further consideration of the Bill will mean practically a waste of time. I am therefore inclined to accept this closure and I would then call the hon. Minister of Law to speak.

Sjt. Rohini Kumar Chaudhuri (Assam: General): I would like to make a statement.

Mr. Speaker: What statement is the hon. Member going to make? If I permit the hon. Member to make a statement, everybody will feel entitled to make a statement. The hon. Member will please resume his seat.

Shri Mahavir Tyagi (U.P.: General): I want to have an interpretation from you, Sir whether, after this motion is adopted at this stage, would it mean that the House would be committed to the principles of all the clauses of the Bill?

Mr. Speaker: I will clarify the position. In fact, when the House accepted the motion for reference to Select Committee, it accepted the principle of the Bill. Now, in a Bill of this type, it is very difficult to decide what the principle is, because every clause may be made into a principle. I may make the position clear. Looking to the extent of the provisions of this Bill—its wide extent—it is clear that the only principle accepted by the House is that it is desirable to codify the Hindu Law, and every provision of the Bill is open for discussion, alteration, change and all that sort of thing.

Shri Mahavir Tyagi: Then, we have no objection, Sir.

Sjt. Rohini Kumar Chaudhuri: I want to make a suggestion to the House on this motion. Closure may be moved and accepted, I have no objection to that. I do not want any further discussion on that subject. As a matter of fact, in order to create an atmosphere of compromise. I have myself not spoken in opposition to it. What I want to suggest is that this motion may not be put to the vote now. We want to convince the opposition outside that a practical gain has been made by the announcement of the hon. the Prime Minister.

Mr. Speaker: I think that after the statement of the hon. the Leader of the House as regards the procedure and what I have said as regards what is going to be binding and what is not going to be binding, there remains no doubt as to the effect of carrying this consideration motion. In fact, it is not desirable to keep that point open, so that when the consideration is again taken up, there may be further discussions and further inducements to speeches. I will therefore put the motion to the House.

Dr. P. S. Deshmukh (C.P. and Berar: General): On a point of order, Sir. We have all heard the excellent suggestion made by the hon. the Prime Minister and there is no doubt that the House is likely to accept it. My point of order is that the question before the House is a motion for consideration. The suggestion now made really means referring the Bill back to the Select Committee.

Some Honourable Members: No, no.

Dr. P. S. Deshmukh: I put it to you, Sir, that this is circumventing the parliamentary procedure. The only procedure, rightful and just, would be to commit the Bill to the Select Committee, either the same or an expanded

committee. The suggestion made is against parliamentary procedure and should not be accepted. If the suggestion is acceptable to the House, I have not the slightest objection, but the regular procedure is to commit the Bill to the same Select Committee or a Select Committee, which may be enlarged.

Mr. Speaker: I see the force of the hon. Member's objection from the procedural point of view, but what the hon. the Leader of the House has done is not to place any motion for further consideration before the House. He has merely explained his position. He has stated how the Government is going to act and how it will proceed with the consideration of the clauses of the Bill. There is no reference there for further reference to any formal Committee of this House. If such a motion were to be made, then of course I would have been glad to accept that point of order. At present there is no such motion before the House, and I think it is not against parliamentary procedure. On the contrary, even if it is a little different from the ordinary procedure, as, in my opinion, democracy means a spirit of accommodation and give and take, we must evolve a new procedure. I will now put the motion to the House.

The question is:

"That the question be now put."

The motion was negatived.

The Honourable Dr. B. R. Ambedkar (Minister of Law): Sir, there are before the House in all three motions. Two of them are sponsored by Mr. Naziruddin Ahmad. One of them proposes a reference of the Bill to the Select Committee for further consideration. The second motion proposes that the Bill be circulated for eliciting further public opinion. In addition to them, there is my motion before the House which proposes consideration of the report of the Select Committee. I propose to say a few words with regard to the motions moved by Mr. Naziruddin Ahmad. The one thing that I have noticed in the course of the debate which has ranged over nine days, is that it has had no support even from the opponents of the Bill. At the most, only two members out of the thirty three who have taken part in this debate have favoured his proposition. The rest of them have not supported him at all. Secondly it is quite clear to those who have followed his speech which was for more than six hours, that notwithstanding the fact that he was questioned from time to time while he was speaking to give us the reasons why this Bill should again be referred to the Select Committee or circulated to the public, he has in my judgment not succeeded in giving us any good ground for supporting his motions. I therefore think that it is unnecessary for me to waste my time as well as the time of the House in dealing with his two motions.

Now, Sir, I come to my own motion. As you have said, there have been altogether thirty three speakers who have taken part in this debate. I would like to give to the House some idea of the measure of support and the measure of opposition exhibited by the members of the House to this measure. Out of the thirty three members who have taken part in this debate, something like twenty three have spoken in favour. Out of these twenty three, there were only two who have said that they were prepared to give only qualified support to this Bill. Three remained neutral; three were for circulation and four for the postponement of the consideration of the Bill. It is therefore quite clear that a very large majority of the Members of this House are in favour of the Bill—as I said, as many as twentythree.

Sjt. Rohini Kumar Chaudhuri: But does he know that thirtyfour persons who wanted to oppose the Bill, whose names were given, had no opportunity to speak?

The Honourable Dr. B. R. Ambedkar: I am only making an analysis of the speeches of those who have spoken. (*Interruption*).

Mr. Speaker: Order, order.

The Honourable Dr. B. R. Ambedkar: Taking the matter a little further and analysing the stand taken by those who have opposed the measure in order to see which part of the Bill has been attacked, I find that in this Bill which seeks to codify the Hindu Law relating to eight matters there are five to which there has been no opposition whatsoever.

Sjt. Rohini Kumar Chaudhuri: Because you didn't allow us to speak.

Mr. Speaker: Order, order.

The Honourable Dr. B. R. Ambedkar: I hope, Sir, my friend will not interrupt.

Mr. Speaker: The hon. Member just now promised that he would not like to spoil the atmosphere of a compromise.

Sjt. Rohini Kumar Chaudhuri: He is not to speak now—that was the term of the compromise.

Mr. Speaker: Order, order. No running commentary now.

The Honourable Dr. B. R. Ambedkar: As I said, Sir, the Bill seeks to modify and codify the Hindu Law with regard to Marriage, Adoption, Guardianship, Joint Family Property, Women's Property, Intestate Succession, Testamentary Succession and Maintenance. So far as Adoption is concerned, I have seen no opposition to this part of the Bill, nor to the part relating to Guardianship.....

Pandit Thakur Das Bhargava (East Punjab: General): I opposed some of the provisions relating to adoption and absence of provision for appointment of heirs.

The Honourable Dr. B. R. Ambedkar: Nor to Women's Property, Testamentary Succession and Maintenance. The only parts of the Bill to which there has been some opposition are those which relate to Marriage, Joint Family Property and Intestate Succession. Even with regard to these parts of the Bill the opposition is concentrated on one or two points.

Sjt. Rohini Kumar Chaudhuri: On a point of order, Sir. You yourself ruled that all these matters can be discussed when we come to amendments.

Mr. Speaker: Will the hon. Member resume his seat? I think Members have to be patient and must not interfere when other Members are putting forth their points of view. The hon. Minister must be allowed to go on uninterrupted, and if hon. Members have to say anything they will have a chance later on when the Bill comes in for discussion here.

Sjt. Rohini Kumar Chaudhuri: But, Sir, if you don't allow us .....

Mr. Speaker: I do not propose to allow any interference at all.

Sjt. Rohini Kumar Chaudhuri: To explain the position...

Mr. Speaker: Allowing to explain the position is again to go on replying at every sentence. I do not propose to allow anything of the kind. (*Interruption*). The hon. Member will not now interfere at all so that I may not be compelled to take a very serious notice of these interruptions or points of order or suggestions. But when I put the motion.....

Shri H. V. Kamath (C.P. and Berar: General): Did you say, Sir, that the Bill would again come up for discussion?

Mr. Speaker. The clauses will come up for discussion.

Dr. B. Pattabhi Sitaramayya (Madras: General): May I respectfully make a small suggestion? This is not going to be discussed,—the question of the consideration motion being accepted. Therefore, whatever statements are made by the hon. Minister in charge of the Bill, they will go unchallenged. And so long as they go unchallenged a vote cannot be correctly obtained. The hon. Mover has been absent for a number of hours and he is not posted with information as to what has been said or what has not been said. For instance, he says that on the question of 'Adoption' there was no opposition and here is a gentleman who rises and says that he did oppose those provisions. I would therefore request that the hon. Minister will not make his reply controversial.

Mr. Speaker: The point is, as I have understood the hon. Minister, that he is trying merely to summarise his point of view.

Dr. B. Pattabhi Sitaramayya: No.

Mr. Speaker: Order, order. Let hon. Members not interfere. I believe he is perfectly entitled to lay before the House his point of view. It may be correct, it may not be correct. Therefore, when he is replying, his reply has to be heard for what it is worth. Hon. Members should not immediately get up and say "this statement is wrong" or "that statement is wrong" because we will then be drifting into a controversy. Let us hear him. And the best method of democracy is to be patient with the opponent.

Sjt. Rohini Kumar Chaudhuri: Can we not reply to the wrong statements made?

Mr. Speaker: No reply now because the Opposition will get their chance when the clause by clause reading comes in.

Sjt. Rohini Kumar Chaudhuri: He will also get a chance then.

Mr. Speaker: If the hon. Member now interferes I am afraid I will have to take a very serious notice. There should be no interruption at all, no interference and no remarks. The hon. the Law Minister is entitled to proceed and give his own interpretation and his own reading of the facts as he thinks are correct. We may not all agree with it. (*Interruption*). Order, order. No replies, no arguments now. I propose to allow no interruption. The hon. the Law Minister will go on.

The Honourable Dr. B. R. Ambedkar: Sir, as I was saying, to five parts of the Bill there is practically no opposition. With regard to the three parts relating to Marriage, Joint Family Property and Intestate Succession, so far as I have been able to follow the attitude taken by those who have opposed this measure, I find that their opposition is concentrated on certain points and not to the whole of those parts. With regard to Marriage I find the opposition is concentrated on the subject matter of Divorce. With regard to Joint Family again, the opposition seems to be concentrated on the rule of survivorship. And with regard to Intestate Succession the opposition seems to be concentrated on the daughter's share. If I was therefore required to give a full reply to the debate and to the arguments advanced by those who have opposed the measure I would have concentrated myself upon these three matters, namely Divorce, the rule of survivorship and the daughter's share. I might say that I had thoroughly prepared myself to defend the provisions contained in these three parts of the Bill. But, in view of the statement made by hon. the Prime Minister, I think it is unnecessary to enter into any controversy now. I welcome the suggestion made by hon. the Prime Minister and I undertake to give the fullest trial to the suggestion that he has made. Consequently I do not propose to give a detailed reply on these matters at this

[Dr. B. R. Ambedkar]

stage. As you, Sir, have suggested, I too would like to reserve my reply to a later stage.

There is only one point which I think it is necessary for me to dwell upon in order that the House may realise the position in which the country finds itself. It will be noticed that the integration of India into one State and one Republic has brought within its territory a variety of Codes dealing with Hindu law. There is the State of Baroda which has a Hindu Code which is different from the Hindu law as it is in operation in the Provinces of India. That State has now become part and parcel of the Bombay Province. Similarly, Travancore and Cochin which were outside the territorial limits and the sovereignty of India, as we knew under the Government of India Act, 1935, have become part and parcel of one India. Mysore which has also a Hindu Code of its own in the matter of women's right to property, considerably different from the law prevalent in the Provinces of British India, has also become part and parcel of one India. Therefore, on the 26th of January, 1950, when the Republic will be inaugurated we will be faced with a variety of systems of Hindu Law which we must do our best to co-ordinate. How would it be possible, for instance, for the Bombay Province to administer two systems of Hindu Law one operative within that territory which is called Baroda and the other in the rest of the Province, when both territories have become integrated and part of one Province and one State? The same will be the case with the other territories. Supposing for instance, some of the parts of India which are under the sovereignty of the Portuguese or the French and which we hope to be able to recover under our dominion, also have different systems of Hindu Law, when they come in, the same question will arise before us. What is to happen to the Law which the Hindus in Goa will be bringing with them? Are we going to allow them to retain the Law which they will bring? Are we going to impose a Law which is in existence at present on them? Or, are we going to evolve a system of Law which would be acceptable to both? The integration of India, therefore, has in a very pointed manner brought before us the problem of the codification and the modification of Hindu Law and what I want to suggest to the House is that this is a problem which could not be postponed nor could it be avoided if we want to bring about harmony among the variety of people who would be coming and becoming the citizens of the Indian Dominion.

Dr. B. Pattabhi Sitaramayya: Codification has been accepted.

The Honourable Dr. B. R. Ambedkar: Then, Sir, I would like to draw the attention of the House to one other point which appears to me a very important one. The House, at any rate those who indulge in opposing the Bill, seem to have completely forgotten the provisions contained in the Indian Constitution. Article 15 of the Indian Constitution which we have passed says in definite and clear terms under Fundamental Rights:

> "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them."

Any one who has studied Hindu Law carefully will have to admit that apart from the many defects which the Hindu Law has, there are principles in the Hindu Law which discriminate between the *Suvarna* vastes and the *Shudras*. They also discriminate between a male Hindu and a female Hindu.

Shri Mahavir Tyagi: And a Hindu and a Muslim also!

The Honourable Dr. B. R. Ambedkar: It is therefore quite clear that parts of Hindu Law will be in conflict with the provisions of the Constitution. But that is only an understatement. There is a further point to be considered; it is not that this limitation imposed by article 15 is going to apply to future

laws that the Parliament or the State Legislatures may make. The Constitution has gone one stage beyond and in article 13, which I should like to read to the House, it is provided that:

"All laws in force immediately before the commencement of this Constitution in the territory of India, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void."

Therefore, looking at the matter as a lawyer, I have not the least doubt about it that unless Hindu Law is not only codified but also modified so as to bring it in consonance with the provisions of article 15, parts of the Hindu Law will be declared to be void by the judiciary in view of article 13. Does the House desire that the Hindu Law should be exposed to judicial scrutiny in terms of article 13 of the Constitution and to have parts of Hindu Law declared, bit by bit, as and when matters are taken before the Court, as void, or would the House like to take the matter in its own hands and reform the Hindu Law so as to make it consistent with article 15 and not to expose it to the danger of having been declared void under article 13? If the House does not wish that the Hindu Law be broken bit by bit by the judiciary but that it becomes an integrated system consistent with our Constitution, then my submission is that it will be very wrong for this House to postpone the consideration of this matter.

Sir, these, in my judgment are very important considerations, and in view of that the House could not afford to postpone or delay the consideration of this matter. I hope the House will therefore accept my motion and carry through the consideration stage of this Bill.

Dr. B. Pattabhi Sitaramayya: Sir, may I ask for a clarification? Dr. Ambedkar has stated that all those provisions which are inconsistent with the particular article of the Constitution which he has quoted will become void. Is it his contention that on the 26th January when the new Constitution comes into force, and the article which he has quoted will certainly come into force, on that day all this portion of the Hindu Law will become void and there will be a vacuum left? Can a more unreasonable presumption be made?

Mr. Speaker: Order, order. That is expressing hon. Member's own opinion.

The Honourable Dr. B. R. Ambedkar: Sir, I have exercised, if I may say so, a great deal of self-control with regard to my friend Dr. Pattabhi Sitaramayya. He would have heard me say, if I had said all that I wanted to say about it.

Mr. Speaker: There are two amendments to the original proposition: That the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee, be taken into consideration. I shall first put to the House the amendments. The first amendment is by Mr. Naziruddin Ahmad asking for circulation for obtaining further opinion thereon by the end of 1949. It is too late to extend the date.

Mr. Naziruddin Ahmad: May I explain the position, Sir,?

Mr. Speaker: No. The question is:

"That the Bill be circulated for the purpose of obtaining further opinion thereon by the end of 1949."

The motion was negatived.

Mr. Speaker: Then the next amendment. The question is:

"That the Bill be re-committed to the same Select Committee, to which it was sent, for a further report thereon with reference to the original Bill which was referred to it on the 9th April, 1948."

The motion was negatived.

Mr. Nasiruddin Ahmad: I claim a division, Sir.

Mr. Speaker: Very well. I find the 'Ayes' are five and the rest are 'Noes'. The motion is lost by a large majority. Now I will put the original motion.

The question is:

"That the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Prof. Shibban Lal Saksena (U.P.: General): Sir, the 'Noes' have it.

Mr. Speaker: I find their number is only six or seven. The majority of Members are for the motion.

BUSINESS OF THE HOUSE

ALLOTMENT OF TIME FOR SUGAR DEBATE

Mr. Speaker: Before we proceed with this business, I have to make an announcement to the House. It is proposed so far as possible—and it should be possible by the co-operation of all the members—that the present session should come to an end by the 24th, that is, Saturday, at the latest. If we finish earlier, we will not sit on Saturday. If we do not finish earlier, we shall sit on Saturday. Then one morning session will be allotted for the sugar debate.

Shri R. K. Sidhva (C. P. and Berar: General): That will not be sufficient, Sir.

Mr. Speaker: That is a different matter. We will see. If the business is finished earlier by Friday, then we can have Saturday for the sugar business. Supposing we make rapid progress in the business before the House, I wonder if it will not be possible to have it on Friday.

The Honourable Shri Jawaharlal Nehru (Prime Minister): It is possible.

Mr. Speaker: We shall watch the business. It may be Friday or Saturday. If our progress is speedy enough so far as other urgent legislation is concerned, we need not wait till Saturday, merely for the sugar debate.

The Honourable Shri Jawaharlal Nehru: No, Sir.

Mr. Speaker: That is the point. Therefore, the sugar debate will be on Friday or Saturday, depending upon the progress of the business before the House. Government will be taking up only such business as is, in their opinion, very urgent and must be put through.

An Honourable Member: If the debate is on Friday morning, we will only have an hour and a quarter.

Mr. Speaker: Therefore, let it be Saturday. I have no objection. We shall adjust.

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): Saturday morning would be the best, because there will be no Question Hour on Saturday.

Mr. Speaker: My point was, if we finish the business earlier, we can begin it on Friday and give an hour more in the afternoon. That would be a better arrangement from the point of view of saving the time of the House.

The Honourable Shri Jawaharlal Nehru: Yes.

Mr. Speaker: But if we cannot finish, then of course we shall sit on Saturday. I shall watch as to how the business progresses and we shall then be able to decide. That is the announcement I have to make.

The Honourable Shri Satyanarayan Sinha: If we propose to sit on Saturday for sugar debate, we will not be able to put through the business of the House by then unless it decides to sit a little late every day.

The Honourable Shri Jawaharlal Nehru: An hour or so.

The Honourable Shri Satyanarayan Sinha: One hour or a little more. We want to finish the whole thing by Saturday.

Mr. Speaker: We may resort to that procedure. I have no objection, though personally I am always so averse to sitting after five o'clock.

The Honourable Shri K. Santhanam (Minister of State for Transport and Railways): We may start at ten o'clock in the morning.

Mr. Speaker: That also will be difficult. We shall sit late. It all depends upon the progress we make.

Shri H. V. Kamath (C. P. and Berar: General): May I bring to your notice one little difficulty with regard to this? Several committee meetings, Select Committee meetings, etc., have been fixed after 5 o'clock and if we sit here late till 6 or 6:30, I for one cannot see how these meetings can be held.

Mr. Speaker: Those matters are subject to adjustment and they will be duly decided, so that hon. Members will have time to attend this House.

Mr. Nasiruddin Ahmad (West Bengal: Muslim): I should like to mention one point. There are a large number of important Bills pending before the House. We should have an idea as to what Bills are likely to be taken up. In that case, we may concentrate our attention on those Bills.

Mr. Speaker: I think that would be done in course of time. By tomorrow, Government will be in a position to state what particular Bills they think are of an urgent nature and therefore must be put through by the end of this session.

ABDUCTED PERSONS (RECOVERY AND RESTORATION) BILL—*contd.*

Mr. Speaker: Now we come to the other Bill. Clause 1 was under discussion. There are a number of amendments. First, Shrimati Durgabai's amendment.

Shrimati G. Durgabai (Madras: General): Sir, I beg to move:

"That in sub-clause (2) of clause 1 of the Bill, the following be added at the end:

'and shall remain in force upto 31st October, 1951'."

[*At this stage, Mr. Speaker vacated the Chair, which was then occupied by Shri S. V. Krishnamoorthy Rao (one of the Panel of Chairmen)*].

The object of my amendment is to fix a time-limit on the life of this Bill. The Members of the House are aware that the Bill as it stood made no provision for the duration of this Bill. Perhaps, it was the intention of the Government to carry on this work without specifying any particular period or

[Shrimati G. Durgabai]

time as long as there is one woman to be recovered and restored. That was also my strong conviction and I believe that even if there is one single woman who is willing to go back and whose recovery and restoration would naturally take a little more time and where delay becomes inevitable in order to recover her and also apprise her relations to whom she should be restored, there should be really no time-limit and therefore the time factor should not enter into the matter. But having regard to the feelings and the opinions expressed in this House by the hon. Members, I was inclined to put in this amendment, specifying a particular period during which this Act will be in force. I am not taking much time, but I only hope that in specifying this time-limit, it would not be taken advantage of by the parties concerned—either by the abductor or by the abducted or the authorities who are concerned with this recovery activity or the subordinate officers who are in charge of this particular work, but that they would only use the time to the best of advantage and also in the best interests of the abducted and recovered women. I only hope that there will be no further complaint that there is a breach on the part of either Dominion to restore women and show good results. I only hope that Pakistan, about whose activity there are doubts expressed and whose sincerity in the work is really questioned by Member after Member, would take note and a lesson from the results we have been able to achieve in our Dominion in recovery activity. Thanks to the leadership in our country that we have been able to get social workers who are not only public spirited, but non-communal in their outlook, and therefore, they are inspired by the noble example set up by the Father of the Nation and also other leaders whose support and whose help are available in plenty for recovery activity in this country. Let the workers of Pakistan also be inspired by the same example. Let them be non-communal and public spirited and unflinching in their stand to restore the women who have been abducted. I only hope that they will tighten up their machinery and that their machinery will be in full swing and before long, before this Act expires, there will be no complaint and there will be complete satisfaction that both the Dominions have done their very best and there are not many women to be recovered or restored. With these few words, I commend my amendment to the acceptance of this House.

Mr. Chairman: What about the next amendment of yours?

Shrimati G. Durgabai: Not moving, Sir.

Mr. Chairman: Then, Mr. Pataskar.

Shrimati G. Durgabai: I may suggest that you may kindly put my amendment to the House first.

Mr. Chairman: I will put all amendments together.

Shrimati G. Durgabai: If my amendment is accepted, the other one will be barred.

Mr. Chairman: I see. Does the hon. Minister accept this amendment?

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Transport and Railways): In order to save the time of the House, I may straightaway say that I shall accept Shrimati Durgabai's amendment to the effect that in sub-clause (2) of clause 1 of the Bill, the following be added at the end "and *shall remain in force upto 31st October, 1951.*"

Mr. Chairman: In view of the acceptance by the hon. Minister of Shrimati Durgabai's amendment, does Mr. Pataskar wish to move his amendment?

Shri H. V. Pataskar (Bombay: General): It is more or less the same. Sir, I do not wish to move it.

Mr. Chairman: I shall, therefore, put the amendment to the House.

The question is:

"That in sub-clause (2) of clause 1 of the Bill, the following be added at the end:

'and shall remain in force upto 31st October, 1951'."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Mr. Chairman: In regard to the Preamble there is an amendment in the name of Sardar Bhopinder Singh Man. Does the hon. Minister accept it?

The Honourable Shri N. Gopalaswami Ayyangar: No, Sir, I cannot accept it.

Sardar Bhopinder Singh Man (East Punjab: Sikh): Sir, I move:

"That in paragraph 2 of the Preamble to the Bill—

(i) after the word 'recovery', the words 'and exchange' be inserted; and

(ii) after the word 'pending', the words 'exchange and' be inserted."

Sir, I am quite conscious that I would be incurring the displeasure of the hon. the Mover in moving this amendment, but after listening to his speech and the certificates of commendation that he has been so liberal in bestowing upon Pakistan officials, the Muslim League there and generally on the working of the recovery programme as regards Hindu girls in Pakistan, I have been left with no choice but to move my amendment. Perhaps, Sir, I might be giving offence to certain other friends also who have got a moral sense more acute than mine, but it will be conceded that as we come originally from Pakistan this Bill affects us the most.

Shri C. Subramaniam (Madras: General): On a point of order, Sir, there is absolutely no reference to exchange in the body of the Bill. I don't know how it can be brought into the Preamble. It will make the Preamble meaningless. We take the Preamble last so that it may be in conformity with the Bill which we have actually passed.

The Honourable Shri N. Gopalaswami Ayyangar: Before you give your ruling on this point of order, I only wish to mention one small matter. The object of what my hon. friend the Sardar Sahib said seems to me to be simply to controvert whatever certificate I may have given to the people and officers on the other side of the border. He will have that opportunity when the motion for the Third Reading is put before the House. He need not seek that opportunity with regard to this particular amendment, so that even if the point of order is accepted, he won't lose that chance.

Mr. Chairman: What is the reply of the hon. Member to the point of order?

Sardar Bhopinder Singh Man: Sir, this Bill deals with the expeditious recovery of the abducted Muslim women in India. After these girls have been recovered and brought to the transit camp, some of them at least are bound

[Sardar Bhopinder Singh Man]

to be ultimately transferred to Pakistan, in other words, there is bound to be an exchange. There is nothing repugnant in the Bill itself which will debar any amendment being considered. I, therefore, submit that my amendment is perfectly in order inasmuch as after the girls are recovered there must be an exchange between our girls from Pakistan and the Muslim girls recovered in India.

Shri C. Subramaniam: But how can you provide for it in the Preamble?

Mr. Chairman: All the clauses have been accepted by the House and I find that the language used throughout is "recovered". The hon. Member ought to have given an amendment then. I don't see how he can bring it in the Preamble. I, therefore, rule his amendment out of order.

Shri H. V. Pataskar: Sir, before you put the Preamble to the House, I would like to make one suggestion. The Preamble begins with the words: "Whereas an agreement has been reached between the Government of India and the Government of Pakistan for the recovery and restoration of abducted persons:". I suggest that any reference to the agreement should be eliminated because there is no reference to that in the whole of the Bill.

Mr. Chairman: The hon. Member should have tabled an amendment to this effect at the stage of the consideration of the clauses. The hon. Member did not send any amendment at that stage and I cannot accept his suggestion unless it is acceptable to the hon. Minister.

The Honourable Shri N. Gopalaswami Ayyangar: No, Sir, I cannot accept it.

Sardar Bhopinder Singh Man: In view of the fact that my amendment has been ruled out, I am perfectly entitled to speak on the Preamble before you put it to the House. I have in mind the first paragraph of the Preamble: "Whereas an agreement has been reached between the Government of India and the Government of Pakistan....."

Sir, this Bill that is before the House for discussion is the result of an agreement which was arrived at between India and Pakistan for the restoration of Muslim girls in India and Hindu girls in Pakistan. I shall be perfectly entitled to know that whereas we have given such good proof of our anxiety to restore Muslim girls to Pakistan, apart from those certificates that have been lavishly bestowed on Pakistan, I am anxious to know what progress in regard to restoration of Hindu girls in Pakistan has been made?

When a Member, of course, very daringly said,—not that I personally am against it,—(when he was interrupted, "what are your own suggestions?")—"obviously war", it was a derisive laughter that greeted his observation. Well, Sir, if it is not going to be war, if moral persuasions have failed us, obviously, they have failed, in view of the facts that have been given to us,—I might also observe what greater price could we give by way of moral persuasion than the life of the Father of the Nation, sacrificed at the altar of persuading the intransigent and absolutely unwilling attitude of Pakistan—what further moral persuasion is expected of us so that Pakistan will be willing to behave as we have done here? If it is said that moral persuasion has failed, and there is no eventuality either that it will succeed in the near future, and there is not going to be a war, then, may I know what other methods India is going to take to have the second part of the agreement expeditiously carried out? Lest I might be misunderstood, I want to make it perfectly clear that so far as the recovery of women in India is concerned, I am one with the Mover and in no way should the efforts at recovery be abated. I do con-

sider the barbaric insult offered to Indian womanhood and Muslim womanhood on both sides of the Dominion as the darkest blot on the fair name of humanity and I want to remove that. Certainly, in this case, I should not forget the excellent work done by our sister of mercy Mridula Sarabhai and her selfless band of social workers. In this respect, I am told that there is equally excellent work going on in Pakistan. My information is that Miss Amtus Salam, while engaged in recovery work in Bahawalpur, had to go on a hunger strike and fast unto death. I may also inform the House that they may not be carried away by the name of Miss Amtus Salam; she is a disciple in the Sevagram Ashram and she is well known in India. She had gone to Bahawalpur to do recovery work and I am told that she had to meet with obstacles, step after step. I am not quite sure in spite of the assurances given by the hon. the Mover that excellent work is going on in Pakistan, whether the facts are.. .....

The Honourable Shri N. Gopalaswami Ayyangar: May I correct the hon. Member. I do not agree that I have characterised the work as excellent; but I certainly said that those responsible for policy in the other Dominion were all sympathy for speeding up the work and so on. No doubt, the results, I have always acknowledged, have been poor in comparison with the results in India. I referred to certain happenings in the other Dominion which entitle us to hope that things would be better in the future than they have been in the past.

Sardar Bhopinder Singh Man: I am exactly trying to show that this hope which is being given to us is a false hope and that we should not live on this hope which is belied by the fact, that whatever women were recovered were not recovered through the agency of social workers, but the bulk of the recovery was due to the military evacuation organisation, and since the promulgation of this Ordinance, the recovery work has been retarded there, and the work is showing no signs of improvement. This hope which is given is absolutely unfounded on facts and it is a false hope.

Mr. Chairman: Now, I will.....

Sardar Bhopinder Singh Man: I have not yet finished, Sir.

Mr. Chairman: The hon. Member sat down and I thought he had finished.

Sardar Bhopinder Singh Man: I thought as it was time for lunch, you were going to adjourn.

An Honourable Member: The hon. Member may be permitted to continue his arguments at the Third Reading stage.

Mr. Chairman: The hon. Member may continue his argument in the Third Reading stage.

Sardar Bhopinder Singh Man: If I will be given a chance to speak.

The Honourable Shri K. Santhanam (Minister of State for Transport and Railways): Subject to the condition that the hon. Member does not repeat what has already been said.

Mr. Chairman: That is implied.

The question is:

"...the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

The Honourable Shri N. Gopalaswami Ayyangar: Sir, I move:

"That the Bill, as amended, be passed."

Mr. Chairman: Motion moved:

"That the Bill, as amended, be passed."

Sardar Bhopinder Singh Man *rose.*

Mr. Chairman: The hon. Member may continue after lunch. The House stands adjourned till 2.30 P.M.

The Assembly then adjourned for Lunch till Half Past two of the Clock.

The Assembly re-assembled after Lunch at Half-Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Sardar Bhopinder Singh Man: Sir, now that Shri Ayyangar, the hon. Minister of Transport, who is in charge of this Bill has got this legislation passed according to his wishes.....

The Honourable Shri N. Gopalaswami Ayyangar: Very much amended in accordance with the wishes of the House.

Sardar Bhopinder Singh Man: It is in pursuance of an agreement. I am anxious that having done our part of duty as we have been doing it for the last so many months, my attention now turns to the Hindu and Sikh women who were left in Pakistan. After all the agreements are never unilateral agreements. For the success of agreements it is quite essential that the other party should be discharging its own function as faithfully in the letter and spirit of the legislation as we have been doing here. Besides, even for the success of this measure in India, it is highly essential that there should not be any anxiety left in the minds of Indian nationals about the women who have been left in Pakistan. It is conducive for its working that the hon. Mover should, at this late stage, at least be able to give us some sort of assurance and amplify the assurance he has already given us that in future there are hopes that Pakistan will be working much better. So far their working has not been as satisfactory as we wished it and in such a state of affairs, time and speed mean a lot; as the days pass by, and this measure will be getting old, we should not hope that after probably one year many girls will be recovered and any girls recovered after four years, will be able to adjust themselves here in India; so that the time-factor is highly essential. That is why we want concrete and absolutely substantial suggestions and assurances from the Minister as to in what way he hopes that Pakistan will be doing much better. Many friends have called my suggestions or the suggestions of my friend Pandit Bhargava sometimes as barbaric but I consider that when we are not having any war over this issue, and moral persuasions have failed, then our methods are barbaric. We wait here and many friends wait outside to see the efficacy of the methods pursued by the hon. Mover to see that certain tangible and concrete results are achieved. But so far the results are absolutely disappointing and for me it was a pathetic sight to watch the hon. the Mover—erstwhile leader of the Indian Delegation in the U.N.O.—who was defending India's case there, to come here and pay unwarranted compliments to that Government. He said, maybe the people were retarding the process but of course the Government or certain officials who were responsible for this recovery were quite honest but I do not believe there is much difference between people and Government in a democratic set-up. As facts go, it is not only the people of Pakistan who are retarding the recovery of the women but as has been substantiated, 2,000 Hindu girls are being detained by the officers, by the officials of Pakistan and I may here point out that these officials are magistrates and the majority of them are police officials who, during the holocaust

of 1947, abducted and retained many of the Hindu girls. In this case, I believe the police is a great factor in recovering these Hindu girls. The same police is holding 2,000 girls.

Sir, I do not believe there is any difference between the people and the government or the officials. These officials who are responsible, and this government which is so impotent as not to recover two thousand women from its own officials, I have no faith in them, and I believe this government is giving false hopes to the country. Why not tell us, "These women are gone, and gone for ever?" You are not prepared to go to war over this matter. I do not know why. If you are prepared to do so for a few inches of land in Kashmir, why not over the honour of our women? Sometimes the honour of women is more important and is likely to affect our political prestige. If you want any respect for your democratic or your moral or your civilised methods, and if you consider my method barbaric and uncivilized, I would only request the government to kindly show us some tangible results coming out of your moral persuasion and your democratic methods. Whenever outstanding disputes are enumerated, disputes outstanding between this country and Pakistan, they mention canal water, Kashmir and evacuee property, and such is the weakness of our government, they do not mention this question of recovery of our women. If the question of the canal waters can go to the U.N.O. if the Kashmir question can be referred to the U.N.O. why can't we take this important issue of recovery of women also to the U.N.O.? Any U.N. Commission can come here and make investigations and we can prove our case to the hilt that our Indian women are being detained there against their will. I may also tell the House that what is a matter of disgrace and shame to us, is a prize and a gift to those in Pakistan, and I fail to understand how this policy of our Government is going to make Pakistan part with this prize and gift.

And moreover, this agreement is a general one, and I do uot know whom to blame for it. I will blame my own government, but in this agreement the districts of Gujrat, Jhelum, Rawalpindi and Campbellpore, were not covered. And the result is this. I shall read from an official publication—"According to official reports received by the East Punjab Government, females were separated from their males at Jhelum. Males were all herded together and cut down with axes and saws, as orders were issued not to waste a round on Kaffirs. The womenfolk were then allotted so many to each group of Pathans." In Gujrat area the number of abducted girls was estimated at 4,000. And the position is, these women are not under the purview of the agreement. And therefore, from Lahore and other places these girls trickle to these four districts. Being in the military area, no outside agency can visit them and so these abductors and the girls have a safe refuge in those districts. Apart from these districts, most of the women taken out from Kashmir were taken to the tribal areas, beyond the North West Frontier and we have not been able to trace them. The situation being so hopeless, why give false hopes to the people, that recovery process in Pakistan will be much better? I do not see any reason for this hope. Perhaps—I do not want to insinuate—perhaps in order to secure a free passage for this Bill, this compliment or hope was given. Or it was due to the hon. Mover's legal acumen that he could draw such an inference, but people like me, with less subtle brains will not draw such a conclusion. What I want is to know if there is any substantial hope, and in what way Indian girls held in Pakistan will be recovered and restored to us.

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I do not want to prolong this discussion, but yesterday when we were considering clause 8, *viz*, that detention should not be questioned by any court, I submitted that provision is against the spirit of the Constitution. During the discussion, I

[Pandit Thakur Das Bhargava]

had to admit that I had nothing in my possession to controvert the statement of the hon. Mover of this Bill when he said that everything was going on smoothly and no sort of coercion or no sort of tyranny was exerted on any woman. When the proceedings of this House were published in the papers this morning, a gentleman came to me—and he is now sitting in the Visitors' Gallery. He gave me a statement which I propose to pass on to the hon. the Mover of the Bill. The story he gave me and which I consider to be quite true is one which I must tell the House. Sir, one Munwar Sultana was married to this man in 1946—long before these abduction affairs and this partition of the country took place. After that, when this Ordinance was passed, this girl was taken possession of by the police, probably under this Ordinance, and she was taken to a camp in Delhi. This man who was having some business here as an automobile engineer or some such business, petitioned the authorities that Munwar Sultana—then named Kamala Devi, was married to him already, she was about 29 or 30 years of age, and that she was living with him for a long time. He tried to move the authorities, but the authorities would not hear his case for as we know, the opinion of the Assistant Sub-Inspector determines the fate of the lady. The lady was not released and so he went to the High Court and filed a *habeas corpus* application and the High Court gave him justice, issued a summons to produce the lady and at the same time they passed orders asking the Commandant of the camp to allow this gentleman to have the affidavit of the girl Munwar Sultana. As soon as these orders were received, the Commandant or the Deputy Commissioner in this case, restored the lady to his possession. Since then the lady was living with this man for a year or so. This happened in October 1948. On 26th August, 1949, she was arrested again from his house. After leaving Delhi he had gone to Jhalawar on business and on the 26th August, 1949 when her child was only 7 days old, she was per force taken to camp and for the past four months she is now in the custody of the Muslim lady social workers at Jullundur. His younger brother is in Jullundur and she is sending letters to this younger brother and I have got some of them in my possession. They are such pathetic letters. Since the House has already devoted a long time to this subject, I do not want to read them out in detail, but I will pass them on to the hon. Minister for him to kindly read these letters.

Some Honourable Members: We want to hear them.

Pandit Thakur Das Bhargava: If you allow me, Sir, I will read the letter.

Mr. Speaker: The hon. Member may give the substance of the letter.

Pandit Thakur Das Bhargava: I think, Sir, that would be enough. The lady has complained that for two days she and her child were made to sleep on the floor and that every kind of coercion was being brought on her to agree to go to Pakistan. She is not willing to go to Pakistan. She does not want to go to her brothers who are living in Lahore.

Shri B. K. Sidhva (C. P. and Berar: General): Who forces them, the police?

Pandit Thakur Das Bhargava: No, the women social workers from Pakistan. Sir, she wants to live with her husband. Sir, this is not a solitary case. There are also cases of Hindu girls, who were not at all Muslims, who were arrested under similar circumstances and it was only after the intervention of some Minister that they were allowed to rejoin their husbands. The whole difficulty, Sir, is that these girls are taken to a camp and their relations have no sort of access to those girls. I am not complaining against the procedure of these girls being taken to the camps, because after all when a girl is taken

some facilities for influencing and knowing her true mind must be given to her by Muslims on one side and Hindus on the other. But I do not know why at the same time these girls should not have access to their relations here if they do not want to go. After all, the girl is kept in the camp only for the purpose of finding out whether the girl really wishes to go away or remain here, for the purpose of registering her free consent. Only Muslims are allowed access to the camp in Jullundur and then she is kept under such conditions that she can never express her mind independently. I think this is altogether unfair. We only want to seek her real and free will; and for that purpose both parties should be allowed free access to her and have an opportunity of influencing her.

Now, as regards children, I would like to say this. I see nothing about this in the agreement between the two countries. There is no condition there about the children. So far as children are concerned, a very good argument was given by Mr. Kunzru and others who have spoken on this point. This child cannot be called illegitimate according to the interpretation of my friend, the Mover of the Bill. If this child goes to Pakistan and accosts the brother of the woman as *Mama*, that man will never tolerate his being called *Mama*, and the father in Pakistan of that woman will never tolerate his being called *Nana*. This will be an unwanted child there and will not be treated in the manner in which it ought to be treated. Therefore my submission is that so far as these children are concerned, they will be considered perfectly legitimate by the law, because they are the off-springs of regular marriages, and the husbands recognise those marriages. You may not recognise them as marriages under this law, but a marriage between a major man and a major woman is perfectly valid. You may not recognise them as marriages because there is an agreement between this Government and the other Government. Therefore my humble submission is that this child I have been referring to is a legitimate child of the man who had married its mother and he has got the right of guardianship and there is no reason why anybody should force that child to go to Pakistan. Therefore whatever the hon. the Mover may do with regard to Sikh and Hindu women—and my friend Sardar Bhopinder Singh Man has made a fervent appeal in that respect—I do submit that there is no reason why these girls who are citizens of India, if they want to live here, should be forced to go away. If her real desire is to go, I have no objection, but if they do not really want to go, then, Sir, they should not be forced to go, and you can never know what the real feelings of these girls are so long as their relatives are not allowed to have access to them and so long as they are under the supervision and control of the social workers from Pakistan. Therefore, my humble submission is that every effort should be made to see that these women are not forced to go back and are not treated in a manner in which their real wish cannot be found.

Then in regard to other matters, section 8 for example, we are not bound by any agreement. Therefore we can change the provisions of the law. It does not look nice that we should go against the right of every citizen of India to have the benefit of a *habeas corpus* petition. I know that after the 26th January that portion of the law will become void, but what till then? I will ask the hon. Minister to kindly consider the point from the point of view of this lady whose case I have given. Previously the High Court gave her protection, but now this Ordinance comes in the way and no High Court can give her liberty. The High Court proceedings were fruitful and both the Counsels agreed that this was a case in which further proceedings should be stopped, and now because of the Ordinance this man cannot go to the High Court and any attempt there will be infructuous. I do not know how this man could recover this lady now. As regards the child, it is perfectly legitimate

[Shri B. K. Sidhva]

as she was regularly married in 1946. Take the case of a Hindu girl also. Any Assistant Sub-Inspector can arrest any of them and send her to the camp where any amount of coercion can be used. In the case of the lady I have mentioned, there must be some method by which she can get justice. This man gave me his story in tears. I can only sympathise with him. Therefore my humble submission is that in regard to these cases we want a modification of the agreement. In fact, in regard to these children the Pakistan Government has not made this rule and that is not the subject of any agreement. Therefore in regard to these children, the Government can by its own will modify its present provision. In regard to section 8, there is no provision in the agreement of Pakistan, and so the Government of India is competent to deal with that matter as it pleases. Therefore my humble submission is that in regard to these two matters, the law should be changed.

Mr. Speaker: I may remind hon. Members that this is the Third Reading stage. I am afraid they are going into too many details and I cannot allow this kind of discussion to continue.

चौधरी रनबीर सिंह: सभापति महोदय, इस बिल का समर्थन करते हुये मैं अपने दिल का दुख प्रकट किये बगैर नहीं रह सकता। यह भारत के इतिहास में एक धब्बा होगा कि हमारे देश में एक ऐसा भी समय आया था जब कि हमें अपनी मुसलमान बहिनों को निकालने के लिये कायदे और कानून की शरण लेनी पड़ी थी। जहां मैं यह जानता हूं और यह मानता हूं इस बात से भी आंख नहीं मीची जा सकती कि इसके लिये किसी हद तक हमारे कुछ नालायक भाई जिम्मेवार हैं परन्तु बहुत हद तक पाकिस्तान के लोग और उसकी सरकार भी जिम्मेवार है। मैं माननीय मन्त्री महोदय से पूछना चाहता हूं कि यद्यपि पाकिस्तान की तरफ से यह कहा जाता है कि वह हमारी लड़कियों को निकालने की कोशिश कर रहे हैं, कभी हमारे माननीय मन्त्री महोदय ने कान्फ्रेंसों में पाकिस्तान की सरकार से यह पूछा है कि उसने उन गवर्नमेंट सर्वेण्ट्स में से कितनों को, जिनके खिलाफ यह शिकायत है कि उन्होंने हमारी भगायी और छीनी हुई बहिनों को रखा हुआ है, मुअत्तल किया है और कितनों के खिलाफ इन्क्वायरी की है? मैं यह चाहता हूं कि जिस वक़्त वह बहस का जवाब दें तो इस पर भी रोशनी डालें। इससे पाकिस्तान के लोगों की ही नालायकी जाहिर नहीं होती बल्कि वहां की सरकार की भी नालायकी जाहिर होती है और उनकी यह इच्छा जाहिर होती है कि वह स्वेच्छा से या बगैर कोई दबाव पड़े हमारी बहिनों को हमारे देश में नहीं भेजना चाहते हैं और ऐसी हालत में उन भाइयों को और उस सरकार को मजबूर किया जाना है तो जैसा कि भूपेन्द्रसिंह जी मान ने सुझाव दिया था मानना चाहिये था। हर एक बहिन का हमारे दिल में आदर है बल्कि हमारा देश तो एक सिक्यूलर स्टेट है और हमारे देश के समझौते का मुकाबला उस देश से करना कहीं भी ठीक नहीं है। वह देश एक थीयोकरेटिक स्टेट (theocratic state) है।

वहां पर हमारी बहिनों के बारे में हम शक कर सकते हैं और सिक्यूलर स्टेट के अन्दर कोई आदमी शक करे कि यहां मुसलमान स्त्रियों के साथ अच्छा व्यवहार नहीं किया जायेगा, मैं नहीं समझता कि वह जायज है। हमारे देश के अन्दर जो रिकवरी (recovery) हुई वह इस बात को साबित करती है। इसका यह मतलब नहीं निकालना चाहिये कि यहां पर ज्यादा बहिनें थीं, यह तो बिल्कुल गलत होगा। यह बात तो इतिहास भी बताता है कि हमारी हिन्दु और सिक्ख औरतें पाकिस्तान में तिगुनी रह गई हैं, वह वहां पर आज भी मौजूद हैं। इस लिये मैं यह समझता हूं कि यह ठीक है कि उन्होंने ऐसा नहीं माना, पर अगर सरकार चाहती है कि हमारी बहिनें उधर से आयें तो उसके लिये कोई और चारा नहीं सिवाय इसके कि इसमें भी अदला बदली का उसूल मान जाय। आखिर इस देश में हम हिन्दु कोड बिल बनाने जा रहे हैं जहां आप औरतों को आदमियों के तरह हकूक दे रहे हैं तो क्या वजह है कि अगर आदमियों को आना है तो अदल बदल के उसूल को मान कर लाये जाते हैं तो फिर बहिनों के लिये भी क्यों न अदला बदली की जाय? मेरी समझ में नहीं आता कि जब कानून सबके लिये एकसा है तो वह उसूल क्यों नहीं बहिनों के लिये लागू हो। इस लिये नहीं कि हम इन बहिनों को कष्ट देना चाहते हैं।

यहां पर जो मुसलमान बहिनें हैं, वह तो यहां के मुसलमानों के साथ शादी भी कर सकती हैं। मगर वैस्ट पंजाब में हमारे कोई हिन्दु और सिक्ख भाई नहीं हैं जिनके साथ वह शादी कर सकें। इस लिये मैं समझता हूं कि यह जो अदला बदली का हिसाब है वह किसी न किसी शकल में मानना चाहिये।

एक दूसरी छोटी बात जो मेरे दिमाग में आती है वह यह है कि जहां तक बच्चों का ताल्लुक है, हमारे मन्त्री महोदय का इरादा यह है कि उनको बाहर भेज दिया जाय। शायद उन्होंने अनाज की कमी को दूर करने की जिम्मेवारी अपने ऊपर ले ली है। शायद यह यह समझते हैं कि जो मुसलमान बहिनों से बच्चे हुये हैं उनको पाकिस्तान भेजकर अनाज की कमी पूरी हो जायगी। यह तो हमारे देश के साथ एक मजाक होगा। आमतौर पर हमारे यहां पंजाब में यह रिवाज है, खास-तौर से मेरी और सरदार भूपेन्द्रसिंह मान की कम्युनिटी में यह रिवाज है कि चाहे किसी मजहब या कम्युनिटी में शादी क्यों न हो, हम उसके बच्चे को नाजायज बच्चा नहीं मानते हैं। उसको भी हम बराबर का हक देते हैं। यह खतरा कि हम उनको जायज बच्चा नहीं मानेंगे, मैं समझता हूं कि बिल्कुल फजूल खतरा है। उनके साथ वैसा ही सलूक किया जायेगा जैसा कि शादीशुदा औरत के बच्चे के साथ किया जाता है या होता है। इस लिये मैं मन्त्री महोदय से पण्डित ठाकुर दास भार्गवा की तरह इस बात पर जोर देता हूं कि आगे जो समझौता हो उसके अन्दर इस बात का ध्यान रक्खें कि इन बच्चों को कम से कम हिन्दुस्तान में ही रहने दें। इससे अनाज की कमी में कोई ज्यादा कमी होने वाली नहीं है।

(English translation of the above speech)

Ch. Ranbir Singh (East Punjab: General): Sir, while giving my support to this Bill I cannot help giving expression to my mental anguish. It will be considered a blot on Indian history that there ever was a time in our country when we had to take recourse to law and procedure with a view to recover our Muslim sisters. Whereas I realize and concede that the fact cannot be overlooked that some of our misguided brothers also share the responsibility to a certain extent, greater fault lies with the people and even with the Government of Pakistan. I wish to ask the hon. Minister whether, in view of the claim advanced on behalf of Pakistan that they are making efforts to recover our girls, he ever questioned the Pakistan Government at the conferences as to how many of the Government servants, who are charged with detention of our abducted and forcibly seized sisters, have been suspended and against how many of them has an enquiry been started. And, I request that when he replies to the debate he should also throw light on that aspect of the question. This does not simply signify that the people of Pakistan are iniquitous, it also points to the unworthiness of that Government. It also signifies their intention not to send our sisters to our country voluntarily or without pressure being brought to bear on them. Under these circumstances, if those brothers and that Government are to be compelled to act, the suggestion made by Bhopinder Singhji Man should have been adopted. Every sister commands our reverence. Our country is a secular State and it is in no way proper to compare an agreement arrived at in our country with that of the other. The other country is a theocratic State. We can have doubts with regard to our sisters there but it is not justified for anyone to entertain the suspicion that fair treatment will not be meted out to Muslim women in this secular State. This is borne out by the recovery that has taken place in our country. This should not be taken to mean that there was a larger number of (abducted) sisters here. Such an inference would be entirely wrong. This is a fact of history that the number of our Hindu and Sikh women detained in Pakistan is three times larger, and that they are still there. Hence although it is true that they have not admitted this I feel that if the Government wants that our sisters should be recovered from there there is no other alternative except that the principle of exchange be accepted in regard to them. We are out to enact a Hindu Code whereby we shall be giving the same rights to women as to men. There is no reason then why the exchange method should not be resorted to for the recovery of our sisters when it was used for the recovery of men. When the law is one and the same for all I fail to understand why the same principle be not made applicable in the case of our sisters. It is not suggested that we want to cause suffering to these sisters.

3 P. M.

The Muslim sisters who are here could even marry the Muslims living here. But there are none of our Hindu and Sikh brothers in the West Punjab whom the Hindu and Sikh women there might marry. Hence, I think that this exchange arrangement should be carried on somehow or the other.

Another minor point that occurs to me concerns the children. Our hon. Minister is in favour of sending them away. Maybe he has assumed responsibility for making up the deficiency in foodgrains. Maybe he thinks that the food scarcity would be over if the children born to our Muslim sisters are sent over to Pakistan. This would be a sort of joke with our country. There is a general custom in our Punjab, particularly in the community to which I and Sardar Bhopinder Singh Man belong, that, regardless of religion or community of the woman one marries, the offspring is not regarded as illegitimate, and we give him an equal share. The fear that we may not treat them as legitimate children is to my mind entirely baseless. They will be accorded the same kind of treatment as is accorded to the child born of a regularly married

woman. Hence, I wish to emphasize this point and appeal to the hon. Minister, as was done by Pandit Thakur Das Bhargava, that whenever an agreement is to be made in future he should have it provided therein that these children at least are kept in India. No appreciable improvement in the food situation is going to result by acting otherwise.

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): Sir, I move:

"That the question be now put."

Mr. Speaker: The question is:

"That the question be now put."

The motion was adopted.

Mr. Speaker: Does the hon. Minister wish to make a reply?

The Honourable Shri N. Gopalaswami Ayyangar: Sir, I only wish to assure hon. Members that all I have said in the course of the debate I certainly intend to implement. The hopes I have held out are not false hopes in any sense. I do look forward to things being better in the future.

As regards the particular case which was mentioned by Pandit Thakur Das Bhargava I have in my possession certain facts which I shall make available to him, because I do not want to take up the time of the House. When I make them available to the hon. Member and when he comes to know about the facts he will probably see that a different complexion could be put upon the whole case.

In regard to the other matter about the closed districts to which my hon. friend Sardar Man referred, I only wish to say that just as Pakistan has certain closed districts, we have also closed certain districts to Pakistan on our side, for instance, Gurdaspur and Kangra. What has happened in these cases is that the closure was not due to the districts having to be closed for this particular purpose. Orders for such closure were issued on both sides. The tension between Pakistan and India over the question of military operations in Kashmir was great and each Dominion did not want the other to get too near the borders, thereby giving them an opportunity of learning what was happening on the other side. Now, even though the districts are closed on both sides, recovery work is going on in those districts. Even in Gujrat and other places in Pakistan which are closed, our social workers have been allowed to accompany Pakistan police, and some recoveries have been made even from those districts, so that the recovery organisation is not altogether neglecting these areas. There are certain things which are in the way and we are trying to remove them.

As for the future, I think hon. Members can only hope, as I do, that things would be better. Whether those hopes should be described as false at the present moment or whether they will come true in the future is a matter which you have to wait for and see. I am very glad that so far as the general principles of the Bill go, they have received the approval of the House. With regard to individual cases of hardship, if every such case is given to me I can find out whether it has been dealt with, and dealt with in a just way. And I shall go into the facts of the case mentioned by Pandit Thakur Das Bhargava. I have them actually before me now but as I do not want to take up the time of the House I don't want to place them before the House.

Shri C. Subramaniam: In view of the specific and serious charges made, will it not be better if the House is made aware of the facts in this matter?

Mr. Speaker: Do that way the House will be unnecessarily spending away its time on individual cases. That is not desirable.

Shri C. Subramaniam: But the making of the charges has been allowed and it has created a very bad impression.

The Honourable Shri N. Gopalaswami Ayyangar: The fact is in this particular case—I am told though I have not verified it with the papers—there was no release of the particular person by the High Court. What was done was, I understand, that there was a release by the Deputy Commissioner. The woman was left astray during the period of the riots. And she married somebody here. But I understand there had been a marriage with another person who had gone over to the other side, and she has children by that marriage. There are other facts which I do not want to place before the House now for the reason I have already mentioned. But there is another side to the story.

Shri R. K. Sidhva: Is it a fact that she came here in 1946 as Pandit Thakur Das Bhargava said?

The Honourable Shri N. Gopalaswami Ayyangar: Sir, if you want me to relate the whole facts I shall do so.

Mr. Speaker: No. I do not think it is necessary.

The Honourable Shri N. Gopalaswami Ayyangar: I think I need say no more on this question.

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

INLAND STEAM-VESSELS (AMENDMENT) BILL

The Honourable Shri K. Santhanam (Minister of State for Transport and Railways): Sir, I beg to move:

"That the Bill further to amend the Inland Steam-vessels Act, 1917, be taken into consideration."

Sir, this is a wholly non-controversial Bill. The operation of inland steam vessels in each Province of the Dominion of India is regulated by the Provincial Governments concerned by the grant of certificates, which will be in force for a term, to the vessels and certificates of competency or licences to the operators. When Bengal was partitioned orders were passed on both sides that certificates issued by each Dominion will be recognised by the other Dominion. These orders came to an end on 31st March, 1948, and after negotiation it was decided that each Dominion should recognise the certificates issued by the other on payment of a fee. This Bill has been brought in pursuance of that agreement. What is happening is that without passing a reciprocal Bill on the other side they are already collecting a fee, whereas our authorities are of the opinion that without legislation we cannot collect the fee. Therefore, this Bill authorises the Bengal Government to collect the fee for vessels registered in Pakistan. There is only one clause in this Bill and it does not bring in any controversial issue whatsoever.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Inland Steam-vessels Act, 1917, be taken into consideration."

Shri R. K. Sidhva (C.P. and Berar: General): Sir, I am in support of this Bill but I have a question to ask on this matter. The hon. Minister stated

that the other side is collecting the fee and we are not collecting it for want of legislative authority. Has any effort been made by Government to see that by means of an executive order this legitimate fee is paid by these companies to the West Bengal Government? If not, why did the Government allow so much money to be unclaimed? The money could have been collected pending the passing of legislation. Sir, this Bill is necessary but I want an explanation from the hon. Minister as to why the fees were not collected by an executive order.

The Honourable Shri K. Santhanam: I have already explained that our authorities were of opinion that without legislative authority they could not collect the fee. Of course it was possible to issue an Ordinance but it was considered that the matter was not sufficiently important for passing an Ordinance. That is why we have brought forward this measure.

Sjt. Kuladhar Chaliha (Assam: General): Sir, I am entirely in support of this Bill. Let me explain the position to Mr. Sidhva. We have a large number of vessels plying along the Brahmaputra and unless there is mutual collaboration we shall not be in a happy position. It is in the best interests of our country that this Bill has been brought forward and I entirely support it. Perhaps Mr. Sidhva will understand me better if I tell him that the number of Pakistani inland vessels coming into India is less than the number of Indian vessels entering Pakistan. This is a Bill of reciprocity which will remove a certain amount of bitterness between the two Dominions. I trust more measures like this will be passed so that we can have better feelings towards each other and thus pave the way for better relations between the two Dominions.

Mr. Speaker: The question is:

"That the Bill further to amend the Inland Steam-vessels Act, 1917, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That clauses 1 and 2 stand part of the Bill."

The motion was adopted.

Clauses 1 *and* 2 *were added to the Bill.*

The Title and the Preamble were added to the Bill.

The Honourable Shri K. Santhanam: Sir, I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

CINEMATOGRAPH (SECOND AMENDMENT) BILL—*Contd.*

Mr. Speaker: The House will now take up further consideration of the following motion moved by the hon. Shri R. R. Diwakar on the 9th December:

"That the Bill further to amend the Cinematograph Act, 1918, be taken into consideration."

Shri R. K. Sidhva (C.P. and Berar: General): Sir, I welcome the provisions of this Bill. As the hon. Minister has stated, it is desirable that there should be a central authority for the purpose of certification of films in view of the conflicting decisions on films given by Provinces in the past. As far as that aspect is concerned, I am absolutely in agreement with what the hon. Minister has stated and also with what is contained in the Bill.

Sir, he wants a Central authority to be appointed for this purpose but he has not given us any idea as to what that authority would mean financially. We don't know how many officials or non-officials he is going to appoint on the authority. And we don't also know the cost involved to the State in appointing such an authority. Sir, I want to draw your attention to this. It is only fair that the House should be made aware of what is going to be the cost as a result of a measure like this. The House is asked to pass a Bill without knowing what the financial implications would be. In the House of Commons there is a practice that whenever there is a Bill which necessitates any expenditure.....

Mr. Speaker: To cut short the matter, I might inform the hon. Member that that particular provision is under consideration.

Shri R. K. Sidhva: I am thankful to you, Sir.

Mr. Speaker: And I am going to make a statement about the Rules of Procedure to be amended.

Shri R. K. Sidhva: I am very glad and thankful to you, Sir, for introducing this system.

Mr. Speaker: Order, order. There is no introduction yet--it is under consideration.

Shri R. K. Sidhva: That means the Ministers will have to give that information to the House. I might tell the House that in the new Constitution it has been provided that all the rights and privileges prevailing in the House of Commons shall be enjoyed by this House.

Mr. Speaker: He may now proceed with the Bill.

Shri R. K. Sidhva: Sir, when you say you are considering the idea, I want to know from the hon. Minister as to what will be the expenditure on the central authority. I don't know how many officers he desires to appoint but they will be many because there are 14 languages and films have to be certified in all those languages. Does he want to appoint 14 officers? The House should be informed of it. I don't say that you can't get a person who does not know more than one language. I have already moved an amendment saying that there should be a maximum of not more than seven officers.

Shri M. Tirumala Rao (Madras: General): Each knowing two languages at least.

Shri R. K. Sidhva: I don't think we will find any difficulty in getting them. But I want to know definitely from the hon. Minister what is the number that he is going to appoint and what would be the cost. That is the point I wanted to make clear. Regarding the other point, my speech has been shortened by your interruption and giving the assurance that this system is going to be introduced in this House. With these remarks and with the hope that the hon. Minister will clear this point, I support the measure.

Shri H. V. Kamath (C.P. and Berar: General): Sir, the Bill which was introduced by the hon. Minister of State for Information and Broad-

casting last week seeks to centralise censorship of films. It is a sequel to an Act which we passed earlier this year, whereby we vested authority in the Centre so far as sanctioning of cinematograph films for exhibition is concerned. Censorship to my mind, whether of art or literature or even may I say, of politics and philosophy, is at best a necessary evil. The object of censorship is to reconcile the liberty of the individual with the security of the society and the stability of the State. It is with this end in view that all censorship has got to be regulated. Here in this Bill, we are seeking to vest all power, in a Central Authority constituted by the Central Government and this Authority will have very wide powers as regards the censorship of films produced or imported into this country. Now, Sir, certain aspects of this matter deserve, in my humble judgment, earnest consideration by my hon. colleagues in this House.

As I have already said, censorship is a difficult process. Not all men are qualified to be censors—I mean not qualified to be wise censors. Anybody can censor anything, but that is not what we want. What we want is that this power should be exercised with a view to seeing that the individual is not deprived of his own healthy recreation or instruction and, at the same time, with a view to ensuring that the stability of the State is not jeopardized. We have to strike a balance between these two. Here is the rub and here is the crux of the matter. How to proceed about it? By this Bill we are going to dispense with all the Provincial Boards of Film Censors and substitute them by a Central Authority wherein I suppose all the various provinces or, at least, all the various linguistic groups or linguistic areas will be represented. That is, I suppose, the object of the Bill and that is how it is going to be realized. One of the difficult aspects of this matter is that there are nuances and shades in the various languages spoken in this country, and unless on this Central Authority all the languages are represented, it will be difficult for this Authority to arrive at a sound judgment with regard to a film in a particular language which is not represented on this Central Authority. I will take a very trifling instance which will give an indication of the other difficulties that beset us on this path. There is a very simple word in Hindi *sala*. The dictionary meaning is "wife's brother". But it is used in a very abusive or very derogatory sense. I remember an incident in London. Once in one of the courts in London, a Britisher was seated in the front row listening to the court proceedings—rather the court proceedings had not started and he was there to watch them. But behind him were two Indians. He was seated with his hat on. He had not removed his hat and was thus obscuring the vision of these two who were behind him. They tried to disparage him. They said: *Kaisa baitha hai sala.* They thought he did not know the language. He quietly turned round and said: *Kuchh bhi kaho sala mat kaho.* This word is at times used in a very disparaging or derogatory sense. (*An hon. Member*: It sometimes denotes very affectionate relations.) Suppose in a particular film in a particular context this word appears and is used by some of the characters, you can imagine the difficulty. It is only one instance of the other difficulties that beset us in this problem. A member of the Authority who does not know the language in its various shades of meaning might say, "It is not an objectionable word" and others who know the sense and the context might say, "It is permissible in the context." Therefore, this is one of the difficulties that we have to admit and that is why I am stressing this fact that language experts—they should be experts in all the Indian languages—must be represented on this Authority. Otherwise, difficulties may arise.

There is another instance which I might give in regard to another aspect of this matter. There are certain customs among various people of our country—among various groups or castes of people in the country,—which while reprehensible in one part of the country are not so regarded in another part of the

[Shri H. V. Kamath]

country. When the debate on the Hindu Code Bill was in progress in the last session, I remember one of my hon. colleagues referred to a custom in the South where marriages between first cousins are permitted. Immediately Pandit Thakurdas Bhargava or Mr. Tyagi got up and said "If this happened in the Punjab, the parties to such a marriage may be stoned to death." Supposing there is a film depicting such marriage between first cousins—I mean a marriage between a man and the daughter of his uncle (which custom passes muster in the South and there is nothing objectionable or reprehensible in it)—supposing such a film is shown in other parts of the country, it may not be understood, or it may be misunderstood by others. A member of the Authority who does not know this custom may also be in a similar position. Therefore we have to be on our guard before we invest the members of the Authority with undue powers of censorship.

There is one other provision in this Bill which I would like the House to bestow some attention on and that is this: sub-clause (7) of clause 6 reads as follows:

"Notwithstanding anything contained in this Act, the Central Government may, of its own motion, by notification in the official Gazette, direct that—

(c) a certified film shall be deemed to be an uncertified film in the whole or any part of the territories to which this Act extends....."

This, to my mind, is an unnecessary provision. This lifts censorship beyond the realms of art, aesthetics and literature to that of politics.

The Central Government is brought in here only with a view to seeing that politically undesirable films are not exhibited. Government has invested this Central authority with very wide powers of certification and non-certification. Over and above that Government wants to reserve to itself the right of further censorship. This power of revision, I am afraid, will be utilised to do away with so-called politically dangerous films. Government must have full confidence in the authority which they are going to constitute and there is no point in reserving to itself further power—may I say—of political censorship.

My hon. friend, Mr. Diwakar, while moving this motion the other day said that once this Bill comes into force producers will be careful, and keen on producing good films which will be sought after not merely by the Government and the Board, but also by the people of this country. But I am afraid things are not what they seem. They could be much better. I do not know how far I can vouch for the truth of a report which appeared in the *Hindustan Times* recently. For the benefit of my hon. friend Mr. Diwakar I shall read out the relevant portions of this London letter which relates to production of a film in India.

"Mr. and Mrs. McEldowney at a Press Conference said they are going out to India to make a picture. They assured us that they have the patronage of our Government and even of the Prime Minister. The book chosen is *The River* by Rumer Godden, who was brought up in India. In this book the Indians are either servants or fade tactfully into the scenery. It is definitely not a book that will reflect either Indian life or culture or the reality that is the present, and it really surprises me that such a venture is still tolerated in our country. The philosophy of India is to be spoured through the lips of a 'half-caste' girl (according to Mrs. McEldowney) to an American war veteran hero of World War II.

Jean Renoir, the well-known French director, is to direct the picture, and I am indeed surprised that with so many well-known writers and interpreters of Indian life, these people have chosen a book written by a person of Anglo-Indian (in the old context) views, and are allowed to make it in India. Let them make it in Hollywood, we have no objection, and let them not further insult us by putting out a Hindi version."

This, Sir, is one of the facts that has come to my notice. I pass it on to the Minister for what it is worth. I hope the report is not correct, but it is one of the well known papers in India that has given out this version.

There is another book called 'Kim' by Rudyard Kipling. I reliably understand that parts of the book are anti-Indian but that permission has been given by the Government of India to shoot scenes from that book in India. One of the well known American actors has come to India and shooting, I am told, has already begun. I don't know what permission the Government of India has given or what patronage they have extended. But these two films are instances in point to show that things are not going all right, if press reports are correct. I hope this will be borne in mind and the hon. Minister will go into these matters before things go worse in our country. Subject to these remarks which I have made, I think the Bill is a step in the right direction, so long as care is taken to see that the Board is constituted of members representative of the various provinces and languages and are gifted with wisdom and discernment in regard to the place of art, literature and politics in human life.

Sardar Bhopinder Singh Man (East Punjab: Sikh): Sir, I welcome this move to centralise the censorship of films. The necessity for so doing is quite obvious. The object in view is that we want to have one common pattern and standard for the whole country. It has been observed in the past that films certified in one province were not certified in some other province and *vice versa*. To remove these anomalies and incongruities I think it is quite necessary to have a common authority for the whole country and I for one welcome the measure.

The success or failure of this measure will depend to a great extent on the nature of the rules and regulations framed by the licensing authority. Sometimes it is quite essential to have some sort of censorship in the domain of art. When we have got certain restrictive measures so far as speech is concerned, or even ordinary writings are concerned, it is quite essential that we should have some restrictive laws for the screen. I don't know how far it is advisable for Government to interfere in the production of films. But I do want that some sort of rule or regulation should be framed and instructions issued to the licensing authority to restrict the length of the films. During the last two or three years the nature and standard of production of the Indian films have considerably deteriorated, and I do want that some sort of method should be found out by which we may be saved from the torture of sitting through a film which is sometimes as long as 14,000 feet and at times threatens to be even more. Oftentimes our trailers threaten to become pictures themselves. I consider this to be sheer waste of celluloid. I want the public to be saved from these stupid songs, the silly dances and absolutely foolish situations.

I want to make a suggestion for the serious consideration of the hon. Minister. Before a picture is actually produced, would it not be much better if the plot, the songs and scenario are submitted to the Licensing Authority and a provisional license issued. This will obviate situations where considerable sums of money are sunk in the production of films and which in the end are not certified by the Board.

With these remarks, Sir, I do hope that the restrictions on film footage will lead to some improvement in our production.

Shri S. V. Krishnamoorthy Rao (Mysore State): Sir, the main object of the Bill is to establish a Central Censorship Board to remove the anomalies created by the working of the Provincial Boards. Clause 7 gives power to a local board or Provincial Government to suspend certification of certain films. But I think it will not apply to films certified by the Central authority. With that end in view, an amendment stands in my name and in the name of my hon. friend Mr. Pataskar that the provincial Governments and the local authorities should have power to prevent the exhibition of such films on the ground of public peace. I hope that amendment will be acceptable to the Hon. the mover. With that amendment, I support the motion before the House.

Shri C. Subramaniam (Madras: General): Sir, this Bill seeks to amend an enactment which was passed in 1918. When the original enactment was passed, the Cinema industry had not been fully developed in India. Even in foreign countries, this industry has today developed out of all recognition. Talkies have come into existence, colour films have come in, and the entire industry has taken a different shape. It plays a very vital role in the national life of every country. In the field of entertainment, it has almost displaced all other forms of entertainment such as drama, etc. After thirty years, we are amending the Bill in such a way as will not serve the purpose we have in view.

Censorship was in existence for the last 30 years. In spite of the censorship, one hon. lady Member declared on the floor of the House that she would not allow any of her children to witness an Indian film show. Yes; it is so. Because, we find that most of the Indian films try to appeal to the baser instincts of the people and sexual love is depicted in a most vulgar form and it is no wonder.....,

Sardar Bhopinder Singh Man: In Indian pictures?

Shri C. Subramaniam: Yes, in Indian pictures. I know in foreign pictures sexual love is depicted in a certain way; but that is natural to their mode of life. What is natural for western culture and western civilisation may not suit us. For example, when we see a western gentleman and a lady dancing together, it looks quite natural; but when we see our own ladies dancing with men, it is revolting. The other day I went to a fashionable club and I found Indian ladies dancing with Indian gentlemen. It was revolting to me. I may be a little conservative. I do not know what my hon. lady friends in this House think about it; perhaps they may think that it is part of their freedom and all that. Therefore what might look natural in a western picture might look very much out of tune in an Indian film. Everybody is agreed, most of the people are agreed that in showing sexual love, Indian films are going to the extreme. It looks quite out of tune altogether. Not only in the Hindi films; it is much more so in Madras in the Tamil films. One is vying with the other and almost competing in showing vulgar scenes in many pictures. This should be cut short.

Another tendency which, I think, should be curtailed is the portraying of Hindu Gods and Goddesses in the pictures. Parvatbi Parameswara is a glorious conception in Hinduism. But, when we see Parameswara and Parvathi depicted in some of the films, it is almost revolting. Even an atheist cannot do so much propaganda against the Gods. I do not think that any young man who sees the films will have any respect for our Gods and Goddesses. Gods make vulgar signs at the Goddess; voluptuous dances are performed in the court of these Gods and Goddesses. If even the ordinary law the Indian Penal Code is allowed to apply, I am sure these things would have been brought under the section wherein the ridiculing of or wounding the religious feelings is made an offence. Under the guise of censorship, we are giving a licence for this vulgarity and antireligious pictures to be exhibited. I saw a film depicting Christ, I think it is The Ten Commandments. They thought that the personality of Christ was so holy that no man should be asked to represent Christ and they showed only the hand to depict the hand of Christ. It is held so sacred. Here, Gods and Goddesses are characterised I do not know by what sort of people. Whatever be their private character, the manner in which they are depicting the Gods in the Indian picture is very objectionable. That should be put a stop to.

In these two respects, we find censorship has failed. The censorship has failed because of the meagreness of the Act which existed then. What did that

Act say? The same thing as is found in the Bill: "If the Authority after examination considers that a film is suitable for unrestricted public exhibition..." What is this suitability for public exhibition? What is the standard by which it has got to be judged. You appoint a censor board for the purpose of censoring; but you have absolutely not given any standard to judge these films. Because the original enactment did not lay down any standard whatsoever, everybody who became a censor had his own eccentricities and idiosyncracies and passed off films. What is the result? Today we find so many undesirable films being produced and respectable ladies think that their children should not see these films. That is the state of affairs. I thought that the hon. Minister in bringing forward this will before the House, would give us an account of how he is going to enforce all these things. No doubt he says a Central Authority will be constituted. It may maintain a uniform standard of vulgarity. It may go to that extent only. How are you going to remove all these objectionable features which are being manifested in the Indian pictures? Absolutely no idea is given as to how he is going to do this. I thought he would at least mention this in the rule making powers, so that he would be able to prescribe certain standards. But, there is absolutely no mention of this even in the rule making powers. It only deals with the manner in which the Authority shall be constituted, the delegation of any of the powers of the Authority, the procedure of the Authority for examining and certifying, appointment of officers, and all those things. Absolutely no mention is made about the standards which have got to be maintained in the films, and how they are going to be judged. It is because of this lacuna in the original enactment that we are finding today the sorry state of affairs in the Indian films. When the hon. Minister wants that a law should be passed for the purpose of censoring, should he not take the legislature into confidence as regards the standards which he is going to set up. In my opinion, the legislature should have a say in the setting up of standards. We should provide a law to ensure that the pictures should maintain such and such standards. We find absolutely nothing of that sort; we say only that a Central Authority has got to be constituted. What is to be its composition, there is absolutely no idea. Is it going to be an one-man authority? At least in the original enactment, it was stated that in the Board there shall be a majority of non-officials. Even that clause is not to be found here. We do not know whether it is going to be a Board or an one-man authority. He should have at least explained this in his speech. He did not mention any of these things, but mentioned only some anomalies arising out of provincial censorship.

He did not mention what is this authority going to be. Then he says one Central Authority—Where is it going to be situated?—Most probably in Bombay. Then what about persons producing films in Madras? They have to go to Bombay. It says 'If the authority after examination considers that a film is suitable etc.'. Therefore the Authority has to examine the film before granting certificate. Therefore these films have to be exhibited before them. Therefore the man has to go to Bombay and exhibit hie film and there will be the usual delay to get a certificate. On the other hand the Bombay producers will have an advantage as they will be able to exhibit it in Bombay and get a certificate then and there. The Central Authority, if it is to effectively function it must have as many linguistic representatives as there are languages. Are you going to make it such an unwieldy body? If you are going to appoint only one man for each language, then as regards, say the Tamil pictures, that man will be the sole authority to judge whether it is a good picture or not. It might be said that they are going to refer it to some sort of non-official authority in Madras itself and take their opinion and on their opinion give a certificate. It would be illegal under the Bill because it says if the authority after examination considers that a film is suitable for unrestricted exhibition it should grant

[Shri C. Subramaniam]

a certificate. It cannot substitute the opinion of another body. Therefore necessarily the Central Authority will have to examine every film before giving its opinion and grant certificate. That being so there is going to be a lot of difficulty for producers in Madras or Calcutta or other regions other than Bombay if the Central Authority is going to be in Bombay. If it is going to be situated in Delhi, it will be difficult for all. Therefore my view is that there should be regional boards in each zone—one for the East in Calcutta, one in Bombay and one for the South and one in Delhi. These regional authorities should be given power to examine the films and give certificates which should be valid throughout India and for cases of appeals, there should be a Central Authority—for purposes of co-ordinating the entire activities of these boards as an appellate body. There is a feeling that centralization of everything will make matters better. I am making a prediction to-day that if we are going to have a Central Authority with a few officials or non-officials, it is not going to function at all and it will be a farce. If you want to have effective censorship, have these regional boards who should be given authority to give certificates and the Central Authority, if necessary, may act as Appellate authority. Then in sub-section 4 of the proposed Section 6 gives power to Central Government as the appellate authority and the Central Government may after such enquiry, as it considers necessary, pass such orders thereon as it thinks fit. You are constituting an authority which will consist of the most competent persons available, technically and culturally qualified to judge films. Why should the Central Government interfere with their judgment? How are they better qualified to say that the authority is wrong? Who will be the Central Government—perhaps the Secretary or the Minister concerned. How is the Minister more competent than the Authority to judge whether a film is good or bad. There is going to be nepotism and favouritism and political considerations will surely creep in if you allow Central Government to interfere in cases where the Central Authority, as it is suggested in this Bill, rejects a film that it is not suitable, or for the Central Government to say that the judgment of the authority is wrong. As far as these Licensing authorities are concerned, they should be quasi-judicial bodies and they should be autonomous bodies and the Central Government or Provincial Government should not interfere with these. In cases where power is given either to Provincial Government or Central Government in respect of decisions made by quasi-judicial bodies, not only you find political considerations entering but all sorts of wire-pullings will be there and ultimately this authority will be reduced to a farce. They think Government will in any case give certificates and why not we ourselves give. Therefore where the authority has refused to grant a certificate on the ground that it is unsuitable for public exhibition or it is only suitable for restricted exhibition, then Central Government should not interfere there and the power given in this Bill should be removed. In view of these I have given an amendment replacing the entire Section 6 constituting regional authorities. As far as possible the Central Government should be kept out of the purview altogether. It might be in certain cases that after grant of certificates it might come to the notice of the Government that a film is objectionable in certain respects. In view of the changed circumstances then under proposed section 7 the Central Government may be given power in order to prohibit the film from being shown but when a certificate was refused, to give the Central Government power to grant certificate is going beyond what is necessary. So only in that view I have given an amendment replacing section 6. I would request the hon. Minister to study it before refusing to accept it. The present provisions in the Bill are going to work great hardship. Therefore don't think that the Central Authority situated somewhere will work satisfactorily. Perhaps the hon. Minister might

say "I am going to have the Central Authority and also constitute branches in two or three places."

Shrimati G. Durgabai (Madras: General): May I enquire through you, Sir, what happens in cases where films which are permitted to be exhibited in any one province are rejected in another province?

Shri C. Subramaniam: It is the Central Government constituting regional authorities. Over that is the Central Authority. Just like High Courts in Madras, Bombay or Calcutta, when they get seized of the matter, when they come to a decision as far as that particular matter is concerned, the decision becomes final and binding on all courts. In the same way the certificates of the Regional Boards should be valid throughout India, unless it is interfered with by the Central Government or the Central Authority. It is not as if the Provincial Government is constituting its own provincial authority. Here the Centre is taking the entire power and constitutes regional authorities. You may call the Central Authority as the appellate authority if you like but it is under the Central Government, under the direction of the Minister in-charge. So there is going to be no conflict at all in this. For the smooth and efficient working of this, and so that it may not cause difficulties to the producers, it is necessary that regional boards should be constituted.

4 P.M.

There is just one more matter and then I shall close. This industry has been growing and so far no official enquiry has been made into this industry, as to how it has developed and how it should progress or develop in the future. It is time that a commission of enquiry is appointed to enquire into the whole matter and to submit a report either to the Legislature or to the Government suggesting how censorship should work and how this industry should develop. This commission should be given full scope to inquire into everything concerning this industry. Unless such a commission is appointed, the Government will not have sufficient materials. It is necessary, Sir, that we should set right all the abuses that we find now in the Indian cinema industry so that the cinema may play its vital role in educating the public, in building up the character of our people, and in moulding public opinion.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Shri S. V. Krishnamoorthy Rao (one of the Panel of Chairmen).]

Shri Satis Chandra Samanta (West Bengal: General): Sir, this Bill seeks to introduce the Central censorship of films. Till now the Provincial bodies were formed by the provincial governments for censorship of films. If this Bill is passed and the Provincial - authorities are replaced completely by the Central authority, some difficulties will be felt. I propose the Central authority should be the final authority and the provincial boards which exist now should be nominated bodies, half to be nominated by the Centre and the other half by the provincial government. This provincial authority will be a recommendary body and the final censorship will rest with the Central Authority. My contention is that a single authority nominated by the Central Government will not function as successfully as the provincial authorities with the nominees of the Provincial Government on it. The licensing authority now is the District Magistrate and so this work of censorship was going on all right. Now if we completely centralise the authority and this work of censoring, then I fear those films which will be suited to that particular region will not be in all cases, selected. The feeling of the local people should be represented predominantly. Our difficulty is that films certified by one province may be refused a certificate by other provinces. This difficulty must be removed by the Central authority, but the feeling of the local people who are the best judge of what films should be shown in what place,

[Shri Satis Chandra Samanta]

that should be taken into consideration. With this in view, I have tabled an amendment asking the Bill to be referred to a Select Committee, but I would not press this amendment, if the hon. Minister will tell us that he would take into consideration the views and the feelings of the provincial public as represented by the Provincial Boards.

Sir, this cinema showing was not in our country in the past, and for deriving innocent instructive pleasure, our people were having *Jatra* performances or *Jatra* theatres. Those things are going to vanish. When the Cinematograph Act is completely revised, I think Government should bring these *Jatra* performances and theatrical performances also under that Act, and Government should see that these avenues are made available to the people for deriving innocent pleasure. With these words, Sir, I place my views before Government for their consideration.

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): Sir, I move:

"That the question be now put."

Mr. Chairman: Closure has been moved. I shall put it to vote. The question is:

"That the question be now put."

The motion was adopted.

The Honourable Shri R. R. Diwakar (Minister of State for Information and Broadcasting): Sir, I am very much obliged to the Members who have taken part in this debate and .....

Babu Ramnarayan Singh (Bihar: General): And not to those who have kept silent?

The Honourable Shri R. R. Diwakar: Of course, their co-operation is greater. I am thankful to many of the Members who have given me very useful hints in the matter of constituting the censor boards and other things. In the first place, as I pointed out in the speech that I made in moving the motion, it is quite true that the Film Enquiry Committee has been constituted and it is doing its work and there is no doubt that it will make its recommendations in a few months time. But as this particular matter, namely, Central Censorship was already on the anvil, and as a special amendment was made and accepted in January 1949 to the Government of India Act with a view to put through this legislation and since all the preliminaries had been gone through, namely, consulting Provincial Governments, getting the consent of the Central Standing Advisory Committee and consulting the producers and the industry, I thought this piece of legislation may go through, rather than wait for the next eight months or so. That is my estimate of time required for the Enquiry Committee's report and the consideration of the Report by the Government and so on. Now, I think that since this particular amendment concerns only one provision, *viz.*, Central censorship, I think it will be to our advantage if it is possible for us to work according to this position for the next few months. When the final recommendations of the Enquiry Committee are there, we may have to amend the whole Cinematograph Act in a comprehensive manner and if by that time we get experience by constituting this Authority, I think it will stand us in good stead so that we shall be able to give final touches to the Act in this respect and thus make that comprehensive amendment or possibly a substitute Act quite good in every respect.

Now, as regards some of the objections raised, I think that so far as the principle of the Bill is concerned, *viz.*, that there should be Central censorship, the majority of the members are agreed and have also realised the difficulties, the anomalies, which are inherent in the present system. At the same time I on my side am quite cognisant of the many difficulties in a Central authority taking the responsibility of censorship. As I have already pointed out, there are a number of things, different tastes, diverse customs and manners, diverse languages and also particular regions in which these diversities are very acute and keen. I have said that it should not be impossible for accommodating all these diversities and also the needs of the different languages and regions and I think that when I explain to the House the general structure of censorship which is contemplated for the present, there would be no doubt left that the machinery would be quite capable of meeting the needs of the situation regarding not only of the languages and regions but also of ensuring sufficient facilities to the producers so that there is the least possible delay, the least possible harassment in the matter of their films being censored.

Today, the cinematograph industry in India is a developing and expanding industry. It is already occupying the second place from the point of view of production in the whole world. There is no doubt that, as many hon. Members have pointed out, the quality of production is not of a very high order. Well, it may be a matter of opinion, but I think it does not depend only on one single factor if this quality is to improve. I think the public and the public taste is one of the constituent factors, and then there are the producers. If I may give you some information about other countries, in England, for instance, there is no censorship as such by the Government. It is the industry itself which constitutes an authority and it is they who censor production, and the Government simply formally sanctions the opinion of that particular authority set up by the producers themselves. Possibly we would have to wait for a long time to arrive at that development but I think that would be the best kind of censorship which should be made available in a democracy. The producers will be able to respond to the general standards which are required by the public and then there would be a mutual response between the public and the producers and the Government will then be only a sanctioning authority. I hope that in the near future such a thing will develop and the producers will come together more and more and will be able to set up certain standards. So far as today is concerned, the producers have welcomed Central censorship and therefore I do not think that there will be any complaint on their side.

Now, Sir, a number of friends suggested certain things about Provincial Boards and the Central Board. Now, this authority which we are visualising under this amendment is an authority which can function regionally also and thus make it convenient for the producers in different centres and thus avoid all delay in the matter. Today, as it happens, in India, Bombay, Madras and Calcutta are the three chief producing centres and there are also the chief ports of entry. Films coming from outside, from other countries, have to enter India through one of these ports. There are some smaller ports, no doubt, but usually films from other countries enter India through these ports of entry. There will be these three regional authorities, but they will be working as part and parcel of the Central Authority, and each one of these authorities will be guided by panels of people belonging to that place, at any rate knowing those particular languages. For instance, we can visualise a panel of five for each of the languages, for Tamil, Telugu, Kannada, Gujarathi, Marathi, and so on. In these producing centres, regional authorities will be constituted, which will work as part and parcel of the Central authority through regional offices which will be guided by these panels belonging to each one of the languages. That is to say, there would not be any difficulty either in the matter of taking films to

[Shri R. R. Diwakar]

them, or those films being judged by people who know those particular languages. Moreover it is not only a question of language. When there is censorship, there is the question of taste, the question of culture, the question of education, the question of standards. All these things are involved in what is called censorship. Some friends pointed out that no standards are laid down in this piece of legislation. I do not think that any standards can be laid down by legislation. Censorship itself means and includes the laying down of a standard. That standard will have to be laid down by the Censors. The standard will naturally be of such a type as would accord with the standards—moral and others—which a particular society agrees to and respects at a particular time. I think the Censors will have to work along that line.

Shrimati G. Durgabai: On a point of information, Sir. May I know whether it is expected of this Board to lay down certain rules for the better standard of films before the film is taken or to make the censorship only a post-mortem business?

The Honourable Shri R. R. Diwakar: I think it has a double function. In fact as censorship goes on evolving I visualise a general standard and code of censorship which will be common to all these regions. But so far as actual censorship is concerned, it will be carried on by the Regional Authorities. These Regional Authorities, however, are part and parcel of the whole Central organisation and they will constitute one single authority. That is how we are visualising the structure of this censorship. I do not think therefore that there is any fear of censorship being only post-mortem examination of films or that any rigid standards will be laid down *a priori* and all things judged by those *a priori* standards.

Shrimati G. Durgabai: Sir, my point has not been answered. My point is this. Today the censorship has got only a post-mortem effect; after a film is actually got ready and so much of money and energy have been spent upon it the film is censored and it is found either suitable or unsuitable. If general rules could be laid down, either under the rule-making power of this Board or otherwise, even before a film is taken as to the exact lines on which a better type of film could be taken, I think that would save unnecessary and unproductive waste in this direction.

The Honourable Shri R. R. Diwakar: I pointed out to the hon. Member and to the House that such a kind of code or general direction cannot be laid down *a priori* from the beginning. It will have to evolve and some time will elapse before this double function can be exercised by the Censors. For instance, today we cannot lay down right at once that such and such rules must be followed. It is only after a general code has been evolved that it can be done—and that too after some experience has been gained.

Shri C. Subramaniam: Would there be any Rules at all?

The Honourable Shri R. R. Diwakar: Certainly.

Shri C. Subramaniam: If it could be evolved later, why not consider it now?

The Honourable Shri R. R. Diwakar: They have to be evolved by the Censors, not by me—not by Government. It is not the Government that has to lay down these Rules. They will have to be evolved by the Censors, and that is a matter of some time, of consultation with all the different Provinces, of seeing how the present Boards are running, what Codes they have evolved and what is the kind of code which has to be evolved out of the codes which are in existence.

Dr. V. Subramaniam: Will it not be advisable if Government were to exhibit some samples of films, say, on educational matters or in respect of acting—comic acting and things like that—so that they could be taken as a model by producers of films and be developed further?

The Honourable Shri R. R. Diwakar: I do not think that Government can produce certain films, keep them as models and ask producers to produce like them. I think the most practical way is this. There are the Provincial Boards working today. They are following certain codes. All that knowledge and experience will have to be pooled and out of that a general code will have to be evolved. When such a general code is evolved, producers will naturally have that code before their eyes when they produce films. That would be the constructive and positive side of censorship. When that code is placed before the industry, naturally the producers will take it as a model if they really wish to see that waste in their production is cut down to as little as possible. In that way there will be a kind of action and reaction between the general code evolved and the attempts of the producers to put things on the screen which are as entertaining as possible and as money-making as possible, according to them. This action and reaction will ultimately work both as a restraint on anything going wrong and also as a guidance to the producers when they want to produce new pictures.

As regards certain remarks made by some hon. Members about foreign films I wish to say this. Two companies, I was told, were shooting certain films here, one based on Rudyard Kipling's novel "Kim" and another on a novel called "The River". So far as my information goes, regarding "Kim" all the objectionable material which was there in the novel has been dropped. It is not that Government sponsors or in any way patronises or helps any of these people. But when they come here and ask for certain ordinary facilities such as petrol or things like that, it is only these ordinary facilities, which are given to others, that are given to them. There is no patronage or special favour shown to any of these companies. I think even the statement that has been published in the "Hindustan Times" has no basis. In fact there is no patronage as such extended to any of these companies and I should say that that statement is a baseless statement.

Shri H. V. Kamath: On a point of information, may I ask whether care is taken to see when foreign producers come to shoot films in this country, that the objectionable portions in the books on which their films are based are definitely excised before permission is given to them to start shooting in this country?

The Honourable Shri R. R. Diwakar: There is no law on the statute book today to ban any person from coming here and shooting any picture. Therefore under no law can that be done. But if the film is shown here, naturally censorship comes into play and the censors can ban the whole film if anything objectionable is found in it.

Shri H. V. Kamath: But can a film which is anti-Indian be made in our own country and shown in other countries?

The Honourable Shri R. R. Diwakar: As I pointed out, there is no law to prevent that.

Shri H. V. Kamath: Why not make such a law? We are a free nation now. It is high time such a law was made.

Shri C. Subramaniam: Why not put in a clause into the Bill to that effect?

The Honourable Shri R. R. Diwakar: That is a different matter. That is not just at present before us.

Shri C. Subramaniam: That is before us. We are making a law on this subject and if we think it is necessary to have the power we should have that power to prevent such films being taken here.

Shri H. V. Kamath: At the production stage we must have the power.

The Honourable Shri R. R. Diwakar: It cannot come within the scope of this particular amendment. Not that the point is unimportant or that it will not be taken into consideration when the Inquiry Committee give us their report. After all they are reporting on all these matters, that is on the question arising out of people seeking any facilities here and things of that nature. On all these matters the Film Inquiry Committee is going to report. Therefore that matter will be considered at that time. All that I say is that in this particular amendment it is not indicated.

Shri Suresh Chandra Majumdar (West Bengal: General): On a point of information, Sir. I understand that a Cinematograph Commission is already functioning in the country and that it has issued a questionnaire to the public. I do not know whether the terms of reference of that Commission include the subjects in this Bill. If so it would be better to await the Report of that Commission and then to proceed with legislation in this matter. I want to get information on that point from the hon. Minister.

Mr. Chairman: Any way it is beyond the scope of this Bill.

The Honourable Shri R. R. Diwakar: I have already explained that point. They will also report about censorship no doubt but this matter has advanced so far that it should not wait.

Shri H. V. Kamath: On a point of clarification, may I ask whether it is open to an Indian producer to go from this country to a foreign country, produce a film which is objectionable from the point of view of that country, and exhibit it in India?

The Honourable Shri R. R. Diwakar: I don't know of any law in any other country but there is no law against it in India that I know of.

Shri H. V. Kamath: That is because British-made law is still extant.

Shri Suresh Chandra Majumdar: Inasmuch as censorship is a thorny problem, and as it is already within the terms of reference of that Committee, I would beg of the hon. Minister to pause and consider whether he should hurry with this Bill just now.

Mr. Chairman: I think all those points can be raised when the report of that Committee comes up before the House.

The Honourable Shri R. R. Diwakar: Moreover, I have already stated that this question has come to a certain stage and we could no longer wait merely because that Committee will submit its report after six months. If we do so there will be delay, because even after receipt of the report two or three months will be taken for its consideration.

Certain suggestions were made by some hon. friends for setting up standards. It was stated that love scenes and such other things which are no doubt very natural to Western societies seem to be very exciting or horrible or disgusting to people in this country. Now, I think all these matters differ from Province to Province, from strata to strata of society and practically from person to person. Therefore, no general standard can be laid down by the Government. We will have to leave it for the censors to have certain

rules and develop certain standards and when they are developed and crystallised, I think the censors will be able to set good standards, good enough for the society we are living in.

Some friends made suggestions regarding documentaries and educational films. They are very welcome suggestions. If I may give some information to my hon. friends, I may say that the Films Division is already bringing out documentaries. During the last year it brought out about twenty-five documentaries and about sixty news reels. Some news reels have been sent out for exhibition in other countries as well. The more we advance in production and in experience, the more would it be possible to have a greater number of educative and documentary films which will help the people in knowing a number of things through visual means which it is not possible for them to learn through books.

As regards amendments moved, I may say I am going to accept two, one moved by Shri Krishnamoorthy Rao and the other one by Shri Pataskar. As regards the other amendments, I have pointed out that there is no meaning in referring this Bill to a Select Committee as it refers to only one item which we have discussed in detail.

As regards the suggestion that the Provincial Boards should be allowed to function independently or autonomously, I think that suggestion cuts at the very root of this amending Bill and therefore it is impossible for me to accept it. While these regional authorities will be working as part and parcel of one single constituted authority, there would be no difficulty if the central authority is helped by the regional panels which are good enough not only for the needs of the language but also for good taste, culture, education and generally for judging the quality and the effect of a particular film on society. There would be speed enough because they would be working in the regions without involving any delay for the producers. Time would be saved and there would not be much expenditure to the producers. I think it will be a synthetic way of dealing with the central as well as the provincial authorities in the matter of censorship.

An important point was raised by Mr. Sidhva about finances. He asked what would be the finances required for this central censorship. I may point out that today the Provinces have to spend something on censorship. So, it is not as though the Provinces can get their censorship done without spending anything. They are spending something. The central censorship will not cost us more than about Rs. 2½ to 3 lakhs. Naturally we will try to cut it down as much as possible. Where at present we need not have a censor or a panel we would not appoint them. We would appoint them only as and when the need arises. For instance, there are very few films in Malayalam—probably only one or two are produced every year. So, it may not be necessary to keep a panel throughout the year. Immediately there is a film in Malayalam or some other similar language, it may be necessary to have a panel but not otherwise. In that way we shall be economising to the greatest possible extent. The censorship fees will be fetching us about Rs. 1½ lakhs. Of course it is a rough figure but still it is a calculated figure.

I think I have covered almost all the points.

Shri C. Subramaniam: Sir, he has not stated what would be the composition of this authority or the manner in which it is going to be constituted.

The Honourable Shri R. R. Diwakar: I have stated that there will be a central censor and we are proposing to locate the central office in Bombay.

Shri C. Subramaniam: So it is going to be a one-man authority?

The Honourable Shri R. R. Diwakar: He will be the central censor. There will be three deputy censors in each of the three regions—Bombay, Madras and Calcutta—and they will be guided by panels of five for each of the languages. That Panel will not be only for language, but they would be appointed from the point of view of culture, of education, of setting standards, etc. in that particular region. That is how we are visualising the Authority. I have also pointed out the amount of money that may be required and also the inter-relation between the Regional Authority and the Central Authority. I have also pointed out how it will work to the advantage of both the producer and the region and language concerned.

Shri C. Subramaniam: Even now it is not clear. The Authority which ultimately decides whether a picture is suitable or not for exhibition should be distinct and definite. Is the Chief Censor to be the Authority which will be the deciding authority or is it the Censoring Board composed of the Chief Censor and these three or four Deputy Censors who would constitute the Authority? That is not clear at all. It may be that some officer may be working under the Censor. We want to know who is the ultimate Authority contemplated under this law for the purpose of granting the certificate.

The Honourable Shri R. R. Diwakar: The Deputy Censor will work in a region guided by the Panel. That will be the Authority. If they are unanimous, then nobody need interfere. If there is any difference of opinion, they will refer to the Central Censor, who will himself also be guided by a Panel. That will be the final authority.

Shri C. Subramaniam: I am afraid I have not made myself understood.

The Honourable Shri R. R. Diwakar: But I am making it clear in this manner. Supposing there is a producer who goes to the Deputy Censor. The Deputy Censor sits with the Panel and they see the picture and supposing they agree unanimously on passing it, whether it is A or U, then the Central Authority has merely to sanction it formally.

Shri C. Subramaniam: So the Central Authority is different from these Deputy Censors?

The Honourable Shri R. R. Diwakar: They are part and parcel.

Shri C. Subramaniam: There may be officers working. You have to make a distinction between them and the Authority contemplated under this Bill. Who is the Authority? Is it the Chief Censor or the Chief Censor including the Deputy Censors? When the Authority has to come to a decision, the Authority should be definite. Who is the Authority that comes to a decision? I want to know whether it is going to be a single man Authority or is it going to be a Board?

The Honourable Shri R. R. Diwakar: The ultimate authority is the Central Authority. But the whole thing is one. It is not a different Authority. The whole Authority is one and the working will be in those three different regions.

Shri Satis Chandra Samanta: What will be the situation when the Panel differs from the Deputy Censor?

The Honourable Shri R. R. Diwakar: I told you. If the Deputy Censor differs from the Panel, they can refer the matter to the Central Censor.

Shri Satis Chandra Samanta: Then, do I take it that the Deputy Authority will refer and in spite of the Deputy Authority and the Panel disallowing, the producer will go to the Central Authority?

The Honourable Shri R. R. Diwakar: Yes, the producer when he differs from the decision, has always the right to appeal.

Mr. Chairman: The question is:

"That the Bill further to amend the Cinematograph Act, 1918, be taken into consideration."

The motion was adopted.

Shri Lakshminarayan Sahu (Orissa: General): Sir, I beg to move:

"That in clause 2 of the Bill, in the proposed sub-section (2) of section 1 of the Cinematograph Act, 1918, for the word 'Dominion' the word 'Union' be substituted."

The Honourable Shri R. R. Diwakar: I may explain that these matters will automatically change after the 26th January, 1950. Till then this word has to be retained.

Mr. Chairman: We are still a Dominion. I think the amendment would be out of order. I rule it out. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 5 were added to the Bill.

Shri C. Subramaniam: I would like to point out a difficulty. If the Authority is going to be constituted in the way in which the Minister suggested in his reply . . . .

Mr. Chairman: Are you moving your amendment?

Shri C. Subramaniam: I would like to know the reaction after I explain it, if there is any reaction at all. I would like to explain the difficulty and then move my amendment.

Mr. Chairman: There are other amendments. Mr. Sidhva, do you propose to move your amendment?

Shri R. K. Sidhva: Yes, Sir. I am moving my amendment. I move:

"That in clause 6 of the Bill, in sub-section (1) of the proposed section 6 of the Cinematograph Act, 1918, after the word 'Authority' occurring in line 2, the words 'consisting of not more than seven members' be inserted."

The Honourable Shri R. R. Diwakar: I do not accept the amendment.

Shri R. K. Sidhva: Just now the interpretation given by the hon. the Mover of this Bill is before the House. Let me state at the outset that in clause 6 the subject matter, namely, the Authority, is very vague. I have never seen a Bill where the Central Government is going to establish an Authority and it is not mentioned as to what will be its composition and what will be its functions. Functions, of course, will be the censoring of films. But the main point regarding the composition is not mentioned and the hon. Minister in his speeches also has not made it clear. He said, "There will be a Censor. There will be Deputy Censors. There will be Panels." But as my hon. friend Mr. Subramaniam rightly pointed out repeatedly, let us know what will be the composition. The Minister says: "There will be a Chief Censor; then in the regions a Deputy Censor and if the Deputy Censor does not agree, then it comes to the Centre." Now, let us know whether the three persons constitute the Deputy Censors, or is it only one person? We want to make that point clear. As I understand it, there will be only one man—the

[Shri R. K. Sidhva]

Chief Censor. Why not make it clear? Why beat about the bush? The Bill is of such an important nature—it involves an amount of 2 lakhs and 50 thousand rupees expenditure according to him. Let us know how this figure has been worked out. He has not told us. He says he is going to incur Rs. 2¾ lakhs expenditure and get an income of Rs. 1¼ lakhs. That is not going to satisfy the House. The House should be informed as to how he worked out these Rs. 2½ lakhs. What will be the nature and cost of it? Apart from that . . . .

Mr. Chairman: Order, order. Does it not come under proposed section 9(2) (a) rule making powers?—the manner in which the Authority shall be constituted comes under that clause.

Shri R. K. Sidhva: No, Sir. This is absolutely different. My point is, the composition is first not known. This is very important. In his speech also, he has not at all made it clear. It is not clear if it is going to be only one person to decide the fate of so many films. He says there will be three centres, Bombay, Madras and Calcutta, and three Deputy Censors. What will become of the other provinces, I want to know. He has not made it clear.

The Honourable Shri B. R. Diwakar: There are no producers there.

Shri R. K. Sidhva: Well, if there are none, there are going to be. There are going to be producers in the Punjab.

The Honourable Shri B. R. Diwakar: If so, at that time there will be Censors.

Shri R. K. Sidhva: Therefore, in each province there should be some kind of regional authority and one man will be sitting in the Board. In Bombay, in Madras, in Calcutta, he said a Deputy Censor will function in each region, as I have understood him. But he has not made it very clear. He has spoken half a dozen times in answer to my hon. friends' questions and it was not clear at all. The explanation of the Minister in regard to this provision is not at all clear to us. In the case of all other Bills there is a clear definition of the authority. In the case of the Bill relating to the Delhi Transport Authority the Bill distinctly states that there shall be three officials and three non-officials. Similarly in the case of the Industrial Finance Corporation the authority is distinctly mentioned. So also in the case of the Rehabilitation Board the authority is clearly defined, and an amendment is coming to that provision.

Mr. Chairman: I think the matter was made perfectly clear. I think there will be a Central Officer at the headquarters, three Provincial Deputy Censors in the producing centres. Each of them in turn will be assisted by a panel of five members.

Shri C. Subramaniam: We are not here concerned with the officers employed by the Authority. We definitely want to know who is the Authority referred to in clause 6. Does it mean the Principal Censor and the three deputy censors sitting together constitute the authority or is it only the Principal Censor who will be the authority under this Bill. The Minister has not yet given us a straight answer.

Shri R. K. Sidhva: This is the first time that I hear that these five will constitute the authority.

Mr. Chairman: I think the hon. Minister said that.

Shri R. K. Sidhva: If that is so, then the Authority will be distributed in the different centres. I want that they should be in one Central place. According to him the Centre will be one in Bombay, the sub-centres will be in Calcutta and Madras. If they differ then the matter will be referred to the Centre. It will be difficult for the producers if the authority is diffused like this. Authority, as it is commonly understood, means one Central authority, or one body. The Bill in this respect is very defective. As I have said, I have accepted the principle of the Bill. I am not opposed to the principle as some of the hon. Members are. I am in favour of our setting up a central organisation. But I say that as far as this clause is concerned the Bill is highly defective in that respect. If the composition of the authority is not made clear it will create many complications. Producers would be put to great difficulty and hardship. I, therefore wish that this matter should be put beyond doubt. I do feel that after hearing the arguments that I have advanced, the hon. Minister will see his way to associate some non-official members to form this authority.

The Honourable Shri R. R. Diwakar: Possibly the hon. Member has confused the procedure that is intended to be followed with the structure in regard to this matter. The Central Censor will be one single authority. Clause 6 lays down the manner in which the authority can exercise its powers in the matter of certification of films. Sub-section (2) (b) of proposed section 9 enables the authority to delegate any of its powers to such person or persons as the authority may nominate in this behalf.

Shri C. Subramaniam: But how can you delegate power under a rule-making power? If it is provided in the Act that it is open to the authority to delegate its powers then it is all right. But delegation of authority could not be done under the rule-making powers.

The Honourable Shri R. R. Diwakar: The proposed section (6) (1) says that the Central Government may "prescribe the manner in which the Authority shall exercise the powers conferred on it by this Act." The power is conferred on the Central Government according to that provision of the section.

Mr. Chairman: In view of this explanation of the Minister, does the hon. Member wish to press his amendment?

Mr. R. K. Sidhva: No, Sir, I do not wish to press it.

Shri H. V. Pataskar (Bombay: General): Sir, I move:

"That in clause 6 of the Bill, in sub-section (6) of the proposed section 6 of the Cinematograph Act, 1918,—

(i) after the word 'exhibition' the words 'of any film' be inserted; and

(ii) the words 'of any film' occurring at the end, be omitted."

Now, sub-section (6) of proposed section 6, as it stands at present, runs as follows:

"(6) For the purpose of disposing of any appeal under this section, the Central Government may demand the exhibition before any authority specified in this behalf of any film".

What I am seeking to do by this amendment is to transpose the words 5 P. M. "of any film" to its appropriate place. This is more or less a drafting amendment and I hope it would be acceptable to the hon. Minister.

The Honourable Shri B. R. Diwakar: I am prepared to accept the amendment, Sir.

Mr. Chairman: The question is:

"That in clause 6 of the Bill, in sub-section (6) of the proposed section 6 of the Cinematograph Act, 1918,—

(i) after the word 'exhibition', the words 'of any film' be inserted; and

(ii) the words 'of any film' occurring at the end, be omitted."

The motion was adopted.

Shri H. V. Pataskar *rose.*—

Shri B. K. Sidhva: It is now five o'clock, Sir.

Mr. Chairman: The House will sit till six o'clock.

Shri B. K. Sidhva: Not today. Today, we have got other engagements.

Shri B. L. Sondhi (East Punjab: General): We have got a Select Committee, Sir.

Shri H. V. Pataskar: I think my amendment is acceptable to the hon. Minister.

Mr. Chairman: We will finish this clause. How many hon. Members have got to attend Select Committee?

Shri B. L. Sondhi: Seven or eight Members.

Mr. Chairman: The hon. the Speaker made it clear that the House will sit till six o'clock.

Shri Ramnath Goenka (Madras: General): What the Speaker said was, if it is necessary, we will sit till six o'clock. Not today, but hereafter.

Mr. Chairman: Is it the general desire of the House that we should go up to six o'clock?

Some Honourable Members: Not today.

Mr. Chairman: At least we will finish this clause. I hope the House will co-operate.

Shri H. V. Pataskar: Sir, I move:

"That in clause 6 of the Bill, in the heading of the proposed section 7 of the Cinematograph Act, 1918, for the word 'certificates', the words 'exhibition of films' be substituted."

There is again another amendment, Sir. As a matter of fact, it relates to the same subject.

Mr. Chairman: You may move that also.

Shri H. V. Pataskar: Sir, I move:

"That in clause 6 of the Bill, in sub-section (1) of the proposed section 7 of the Cinematograph Act, 1918, for the word 'certificate', the word 'exhibition' be substituted."

Sir, the question is very simple. What we have provided in section 6 is the granting of a certificate by the Central Authority. By this section 7, we are giving the provincial Governments the power to suspend the exhibition in particular cases of films in spite of the certificate granted by the Central Authority. I want that instead of suspending the certificate, they should

suspend the exhibition of the film in a particular province or area. It is not proper that a certificate granted by a Central Authority should be suspended by any provincial or subordinate authority. That is the object of these amendments and I think they will be acceptable to the hon. Minister.

The Honourable Shri R. R. Diwakar: I am accepting the amendments.

Dr. Mono Mohon Das (West Bengal: General): I have three amendments. I do not know how it will be possible to finish them today.

Mr. Chairman: Are you moving the amendments?

Dr. Mono Mohon Das: Yes.

Mr. Chairman: Are they acceptable to the hon. Minister?

The Honourable Shri R. R. Diwakar: I accept the amendments of Mr. Pataskar.

Dr. Mono Mohon Das: I want to move my amendments; but it is now five minutes past five.

Mr. Chairman: I will put Mr. Pataskar's amendments to vote.

The question is:

"That in clause 6 of the Bill, in the heading of the proposed section 7 of the Cinematograph Act, 1918, for the word 'certificates', the words 'exhibition of films' be substituted."

The motion was adopted.

Mr. Chairman: The question is:

"That in clause 6 of the Bill, in subsection (1) of the proposed section 7 of the Cinematograph Act, 1918, for the word 'certificate', the word 'exhibition' be substituted."

The motion was adopted.

Mr. Chairman: Dr. Mono Mohon Das.

Dr. Mono Mohon Das: Shall we go on today? It is past five.

Mr. Chairman: We will take up the other amendments tomorrow. The House stands adjourned till 10-45 tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 20th December, 1949.